LEGISLATIVE LIBRARY OF ONTARIO
TORONTO
JUN 28 1971
RECEIVED

Ont. Inst. Pub. Trust Cupboards.

LEGISLATIVE ASSEMBLY
OF ONTARIO

THIRD SESSION OF THE TWENTY-EIGHTH PARLIAMENT

134866

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 24th to MARCH 19th, 1970

MARCH 31st to JUNE 26th, 1970

and

OCTOBER 6th to NOVEMBER 13th, 1970

LEGISLATIVE ASSEMBLY
OF ONTARIO

THIRD SESSION OF THE TWENTY-EIGHTH
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 26th to MARCH 19th, 1970

and

MARCH 31st to JUNE 25th, 1970

and

OCTOBER 6th to NOVEMBER 13th, 1970

INDEX

PUBLIC BILLS

A

	Bill No.
Agricultural Societies Act—Act to amend	160
Air Pollution Control Act, 1967—Act to amend (Lapsed)	54
Air Pollution Control Act, 1970 (Lapsed)	129
Alcoholism, Drug Addiction and Mental Health Centres Act, 1970 (Lapsed)	228
Archaeological and Historic Sites Protection Act—Act to amend (Lapsed)	45
Assessment Act, 1968-69—Act to amend	143
Assignment of Book Debts Act—Act to amend	92
Athletics Control Act—Act to amend	136

B

Barristers Act—Act to amend	9
Bills of Sale and Chattel Mortgages Act—Act to amend	4
Blackwell-Laurie Boundary Act, 1970	59
Boundaries Act—Act to amend	86
Business Corporations Act, 1970	61

C

Cemeteries Act—Act to amend (Lapsed)	48
—Act to amend (Lapsed)	112
Centennial Centre of Science and Technology Act, 1965—Act to amend (Lapsed)	201
Certification of Titles Act—Act to amend	87
Child Welfare Act, 1965—Act to amend (Lapsed)	114
—Act to amend	182
Collective Bargaining for Crown Employees—Act to provide for (Lapsed)	217
Commissioner of the Legislature Act, 1970 (Lapsed)	22
Commuter Services Act, 1965—Act to amend	198
Conditional Sales Act—Act to amend	140
Consumer Protection Act, 1966—Act to amend	56
—Act to amend (Lapsed)	106
—Act to amend (Lapsed)	223
Coroners Act—Act to amend (Lapsed)	117
Corporations Act—Act to amend	75
Corporations Tax Act—Act to amend	159
County Courts Act—Act to amend	184
Crop Insurance Act (Ontario), 1966—Act to amend	161

D

Bill N

Damage by Fumes Arbitration Act—Act to amend (Lapsed) 5
—Act to repeal 18
Data Surveillance and Privacy—Act to provide for (Lapsed) 4
Day Nurseries Act, 1966—Act to amend 17
Department of Correctional Services Act, 1968—Act to amend (Lapsed) .. 11
Department of Education Act—Act to amend (Lapsed) 10
Department of Financial and Commercial Affairs Act, 1966—Act to amend. 20
Department of Highways Act—Act to amend (Lapsed) 19
Department of Youth—Act to establish (Lapsed) 23
Discrimination in Employment because of Sex or Marital Status—An Act to prevent 8
District Municipality of Muskoka—Act to establish 8
District Welfare Administration Boards Act, 1962-63—Act to amend 17
Division Courts Act—Act to amend 21
Drainage Act, 1962-63—Act to amend 22
Driver Training Schools—Act to provide for the Regulation of (Lapsed) .. 15

E

Education Transportation Authority Act, 1970 (Lapsed) 2
Elderly Persons Centres Act, 1966—Act to amend 14
Election Act, 1968-69—Act to amend (Talked Out) 7
—Act to amend (Lapsed) 13
Elevators and Lifts Act—Act to amend 7
Employment Standards Act, 1968—Act to amend (Lapsed) 3
—Act to amend 9
Energy Act, 1964—Act to amend 14
Environmental Council of Ontario Act, 1970 (Talked Out) 10
Ethics of Elected Representatives—Act respecting (Lapsed) 11
Exploitation of Violence (Deterrent) Act, 1970—(Lapsed) 8

F

Farm Products Containers Act—Act to amend 10
Fatal Accidents Act—Act to amend (Lapsed) 19
Financial Accounts of Universities—Act respecting (Lapsed) 13
Fisheries Loan Act, 1970 7
Forest Fires Prevention Act, 1968—Act to amend 6
Forestry Act—Act to amend 20

G

Game and Fish Act, 1961-62—Act to amend (Lapsed) 10
—Act to amend 14
Gasoline Handling Act, 1968-69—Act to amend 20
General Sessions Act—Act to amend 18
General Welfare Assistance Act—Act to amend 17
Government Programs Evaluation Commission Act, 1970 (Lapsed) 10
Gun Control Act, 1970 (Lapsed) 2

H

Bill No.

Habeas Corpus Act—Act to amend 188
Hamilton, Act respecting the City of 169
Hearing Aid Sales Act, 1970 (Lapsed) 124
Highway Improvement Act—Act to amend 195
Highway Traffic Act—Act to amend (Lapsed) 19
—Act to amend (Lapsed) 109
—Act to amend (Lapsed) 110
—Act to amend (Lapsed) 111
—Act to amend (Lapsed) 120
—Act to amend (Lapsed) 123
—Act to amend 164
—Act to amend 203
—Act to amend (Lapsed) 222
Human Tissue Act, 1962-63—Act to amend (Lapsed) 78

I

Income Tax Act, 1961-62—Act to amend 50
—Act to amend 202
Industrial Safety Act, 1964—Act to amend 72
Insurance Act—Act to amend (Lapsed) 115
—Act to amend (Lapsed) 121
—Act to amend (Lapsed) 122
—Act to amend 230
Interpretation Act—Act to amend 186
Investment Contracts Act—Act to amend 193

J

Judges' Orders Enforcement Act—Act to amend 187
Judicature Act—Act to amend 11
—Act to amend (Lapsed) 31
—Act to amend 177
—Act to amend 178
—Act to amend 183

K

Kingston, Act respecting the City of 166

L

Labour Relations Act—Act to amend (Lapsed) 37
—Act to amend 39
—Act to amend 167
Lakehead Act, 1968-69, City of—Act respecting 216
Land Titles Act—Act to amend 85
Landlord and Tenant Act—Act to amend (Lapsed) 47
Law Society Act—Act to consolidate and revise 7

Bill No.

Legal Aid Act, 1966—Act to amend 141
Lie-Detector Tests—Act to control the Administering of (Talked Out) ... 41
Liquor Licence Act—Act to amend 218
Loan and Trust Corporations Act—Act to amend 155
—Act to amend 221
Local Roads Boards Act, 1964—Act to amend 196
Loggers' Safety Act, 1962-63—Act to amend 62

M

Mechanics' Lien Act, 1968-69—Act to amend 91
Medical Act—Act to amend (Lapsed) 119
Mental Health Act, 1967—Act to amend (Lapsed) 118
Milk Act, 1965—Act to amend 181
Mining Act—Act to amend 2
—Act to amend 69
Mortgages Act—Act to amend 139
Motor Vehicle Accident Claims Act, 1961-62—Act to amend 204
Motorized Snow Vehicles Act, 1968—Act to amend (Lapsed) 12
—Act to amend 163
Municipal Act—Act to amend (Lapsed) 40
—Act to amend 64
—Act to amend (Lapsed) 95
—Act to amend (Talked Out) 101
—Act to amend 142
—Act to amend 172
—Act to amend 231
Municipal Franchises Act—Act to amend 220
Municipal and School Tax Credit Assistance Act— 1967—Act to amend (Lapsed) 32
Municipality of Metropolitan Toronto Act—Act to amend 156
—Act to amend 227
Muskoka (**See District Municipality of**) .....

N

Niagara Escarpment Protection Act, 1970 79
Noise Pollution Control Act, 1970 (Lapsed) 192
Non-Returnable Bottles—Act to prohibit the Use of (Talked Out) 65
Northern Ontario Development Corporation Act—Act to incorporate 168
Notaries Act, 1962-63—Act to amend 10

O

Occupational Safety Act, 1970 (Lapsed) 3
Ontario Education Capital Aid Corporation Act, 1966—Act to amend 97
Ontario Educational Communications Authority—Act to establish 43
Ontario Energy Board Act, 1964—Act to amend 148
Ontario Heritage Foundation Act, 1967—Act to amend 93
Ontario Human Rights Code, 1961-62—Act to amend (Lapsed) 36

Bill No.

Ontario Institute for Studies in Education Act, 1965—Act to amend (Lapsed) 21
Ontario Municipal Employees Retirement System Act, 1961-62—Act to amend 225
Ontario Municipal Improvement Corporation Act—Act to amend 165
Ontario Society for the Prevention of Cruelty to Animals Act, 1955—Act to amend (Lapsed) 133
Ontario Water Resources Commission Act—Act to amend (Lapsed) 17
—Act to amend (Lapsed) 57
—Act to amend 215
Operating Engineers Act, 1965—Act to amend 71
Ophthalmic Dispensers Act, 1960-61—Act to amend (Lapsed) 128
Ottawa-Carleton Act, 1968—(See Regional Municipality of) .....

P

Pesticides Act, 1967—Act to amend 190
Planning Act—Act to amend (Talked Out) 27
—Act to amend 162
Point Edward, Village of—Act respecting 157
Police Act—Act to amend (Lapsed) 134
Pollution Abatement Incentive Act, 1970 150
Prepaid Hospital and Medical Services Act—Act to amend 194
Private Investigators and Security Guards Act, 1965—Act to amend (Lapsed) 18
Proceedings Against the Crown Act, 1962-63—Act to amend 5
Protection of Personal Privacy—Act to provide for (Talked Out) 58
Provinical Courts Act, 1968—Act to amend 88
—Act to amend (Lapsed) 127
Provincial Land Tax Act, 1961-62—Act to amend 207
Provincial Parks Act—Act to amend 70
Public Health Act—Act to amend (Lapsed) 35
—Act to amend (Lapsed) 126
Public Lands Act—Act to amend 147
Public Officers' Fees Act—Act to amend 212
Public Schools Act—Act to amend (Talked Out) 23
—Act to amend (Lapsed) 42
—Act to amend 154
Public Service Act, 1961-62—Act to amend (Lapsed) 229
Public Trustee Act—Act to amend 6
Public Works Act—Act to amend 199

R

Race Tracks Tax Act—Act to amend 51
Rainmaking Equipment—Act to govern, license and regulate the Operation of (Lapsed) 38
Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize 99

Bill No.

Real Estate and Business Brokers Act—Act to amend (Lapsed) 200
Reciprocal Enforcement of Maintenance Orders Act—Act to amend 1
Reform of the Governing Bodies of Universities—Act to provide for (Lapsed) 53
Regional Municipal Grants Act, 1970 67
Regional Municipality of Niagara Act, 1968-69—Act to amend 214
Regional Municipality of Ottawa-Carleton Act, 1968 137
Regional Municipality of York—Act to establish 102
Regional Municipality of York Act, 1970—Act to amend 226
Registry Act—Act to amend 90
Regulations Revision Act, 1968-69—Act to amend 180
Residential Property Tax Reduction Act, 1968—Act to amend 60
—Act to amend 210
Retail Sales Tax Act, 1960-61—Act to amend 49

S

Sandwich, Windsor and Amherstburg Railway Act, 1930—Act to amend ... 158
School Crossing Guards Act, 1970 (Lapsed) 171
Schools Administration Act—Act to amend (Lapsed) 13
—Act to amend (Lapsed) 14
—Act to amend (Lapsed) 16
—Act to amend (Lapsed) 28
—Act to amend (Talked Out) 29
—Act to amend (Lapsed) 33
—Act to amend (Lapsed) 34
—Act to amend (Lapsed) 44
—Act to amend (Lapsed) 81
Secondary Schools and Boards of Education Act—Act to amend 152
Securities Act, 1966—Act to amend (Lapsed) 125
—Act to amend (Lapsed) 130
Senior Citizens Week—Act respecting (Talked Out) 170
Separate Schools Act—Act to amend 153
Soldiers' Aid Commission Act—Act to amend 145
Solicitors Act—Act to amend 8
Sonic Boom Investigation and Control Act, 1970 (Lapsed) 131
Statutes Revision Act, 1968-69—Act to amend 179
Stock Yards Act—Act to amend 213
Succession Duty Act—Act to amend 103
Supply Act, 1970 233

T

Telephone Act—Act to amend 84
Territorial Division Act—Act to amend 219
Theatres Act—Act to amend (Lapsed) 26
Tile Drainage Act—Act to amend 98
Tobacco Tax Act, 1965—Act to amend 52
Trees Act—Act to amend 206
Trustee Act—Act to amend 89

Bill No.

U

Universities Commission—Act to establish (Lapsed) 15
University of Toronto Act, 1947—Act to amend (Lapsed) 24

V

Vital Statistics Act—Act to amend 173
Voluntary Emergency First Aid and Medical Services Act, 1970 (Lapsed) ... 132

W

Warble Fly Control Act—Act to amend 68
Waste Management Act, 1970 94
Workmen's Compensation Act—Act to amend (Lapsed) 66
—Act to amend (Lapsed) 77

PRIVATE BILLS

A

Ameliasburg, Township of—Act respecting Pr10

B

Barrie, City of—Act respecting Pr23
Brampton, Town of—Act respecting Pr32

C

Camp Shahwundias—Act respecting Pr12
Canadian National Exhibition Association—Act respecting Pr17
Charlotte Eleanor Englehart Hospital of the Town of Petrolia—Act respecting Pr25
Cornwall Street Railway, Light and Power Company Limited—Act respecting Pr21

D

Dennis Realty Co. Limited—Act respecting Pr35
Detroit Hotel Limited—Act respecting Pr1

E

Excelsior Life Insurance Company—Act respecting Pr33

F

Fermack Bowling Limited—Act respecting Pr28
Fort Erie, Town of—Act respecting Pr37

G

Bill No.

Georgetown, Town of—Act respecting Pr20

H

Haldimand-Norfolk County Roman Catholic Separate School Board—Act respecting Pr6
Hamilton, City of—Act respecting Pr5
Huron—Incorporated Synod of The Diocese of—Act respecting Pr14

L

London, City of—Act respecting Pr30

M

Morina Electronics Manufacturing Company Limited—Act respecting Pr27

N

Niagara Falls, City of—Act respecting Pr4
Niagara Falls, City of—Act respecting Pr29

O

Oakville, Town of—Act respecting Pr22
Ontario—Incorporated Synod of The Diocese of—Act respecting Pr3
Orillia, City of—Act respecting Pr8
Ottawa, City of—Act respecting Pr26
Owen Sound, City of—Act respecting Pr13

P

Peterborough, City of—Act respecting Pr2
Peterborough, City of—Act respecting (Not Reported) Pr19
Peterborough, County of—Act respecting Pr7

S

Sault Ste. Marie, City of—Act respecting Pr31
Sidney Goldstone Limited—Act respecting Pr24
Springdale Christian Reformed Church—Act respecting Pr9
St. Catharines General Hospital—Act respecting Pr11

T

Toronto, City of—Act respecting Pr18
Toronto East General and Orthopaedic Hospital—Act respecting Pr15

W

Wentworth Radio & Auto Supplies Limited—Act respecting Pr36

BILL 158

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1930

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Self-explanatory.

Section 2. The franchise agreement between the City of Windsor and the railway company respecting the operation of the railway is extended for a further ten-year period.

BILL 158 **1970**

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1930

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* is repealed and the following substituted therefor: 1930, c. 17, s. 2, cl. *a*, re-enacted

(*a*) "corporation" means The Corporation of the City of Windsor.

(2) The said section 2, as amended by section 1 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is further amended by adding thereto the following clause: 1930, c. 17, s. 2, amended

(*g*) "council" means the council of the corporation.

2. Section 14 of the agreement authorized by *The Hydro-Electric Railway Act, 1914* and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the Township of Sandwich East, the Township of Sandwich West, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg and the City of Windsor, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* and section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is struck out and the following substituted therefor: Agreement of Jan. 1st, 1920, amended 1914, c. 31 1920, c. 57 1930, c. 17 1939, c. 43

14. This agreement shall continue and extend for a period of sixty years from the 4th day of June, 1920, unless terminated at an earlier date by by-law of the corporation.

Assets of railway vested in corporation

3. All of the assets, properties and undertakings of the company of every nature and kind and wheresoever situate are vested in and become the sole property of the corporation subject to the corporation assuming and being charged with the liability for payment of all accounts, debentures and other indebtedness of the company and to the due performance of all obligations of the company in respect of contracts, leases or other agreements entered into or undertaken by the company as if the corporation had incurred such indebtedness or been a party to every such contract, lease or agreement in the place and stead of the company.

Authority to operate and manage railway

4. The corporation has the exclusive authority and jurisdiction to,

(*a*) operate the system of public transportation operated by the company;

(*b*) delegate the authority to operate and manage the said system to a commission established by by-law of the corporation;

(*c*) authorize the company to continue to operate and manage the said system; or

(*d*) enter into or authorize the company to enter into an agreement with any person or persons to operate and manage the said system on behalf of the corporation on such terms and conditions as the council may approve.

1930, c. 17, s. 3 (1939, c. 43, s. 3), subss. 2-6, re-enacted

5.—(1) Subsections 2, 3, 4, 5 and 6 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, are repealed and the following substituted therefor:

Members of company

(2) The council shall appoint not fewer than three and not more than five persons who shall be the members and directors of the company and who shall hold office during the pleasure of the council and until their respective successors are appointed.

Vacancies

(3) The council shall fill any vacancies which may occur in such membership of the company.

Qualifications of membership

(4) The members so appointed from time to time shall possess the qualifications requisite for election to the council and any member of council shall be eligible for such appointment.

SECTION 3. All the assets of the railway company are vested in the City of Windsor.

SECTION 4. The City of Windsor may operate the railway or cause it to be operated in any of the four alternative manners set out.

SECTION 5. The members of the railway company were formerly appointed by the Ontario Municipal Board; they will now be appointed by the Windsor city council.

SECTION 6. The repealed subsection required the company to obtain the approval of the Ontario Municipal Board before exercising certain powers; see note to section 9 of the Bill.

SECTION 7. The repealed section empowered the Lieutenant Governor in Council to vary the number of members of the railway company and, to appoint additional members.

SECTION 8. Where an agreement is entered into with any person to operate the railway, there is vested in that person all the powers, rights and privileges possessed by the company in respect of the operation of the railway; Windsor city council approval is required before such powers are exercised.

SECTION 9. Windsor city council replaces the Ontario Municipal Board as the supervisory authority over the company.

(5) The council shall designate one of such members as chairman. Chairman

(6) A majority of the members of the company shall constitute a quorum. Quorum

(7) The remuneration, if any, of the members of the company shall be fixed by the council. Remuneration

(8) The company shall furnish such information respecting the affairs of the company as the council may at any time require. Furnishing of information

(2) The members of the company who are in office when this Act comes into force shall remain in office and continue to manage the affairs of the company until the members appointed under subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by subsection 1, are appointed. Composition of company before appointments

6. Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, as re-enacted by section 1 of *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1952*, is repealed. 1939, c. 43, s. 9, subs. 3 (1952, c. 95, s. 1), repealed

7. Section 11 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed. 1939, c. 43, s. 11, repealed

8.—(1) Where an agreement has been entered into with any person or persons under clause *d* of section 4 to whom is delegated all or any of the operating authority of the company such person or persons may, subject to the restrictions and limitations binding upon the company, exercise all of the powers, rights, authorities and privileges heretofore possessed by the company in the operation and management of the system of public transportation operated by the company. Where agreement entered into with person to operate railway

(2) Where an agreement has been entered into by the company with any person or persons under clause *d* of section 4, the person or persons to whom the operating authority of the company has been delegated shall obtain the approval of the council before exercising any powers or authority relating to the operation of the public transportation system. Idem

9. Where the corporation has authorized the company to operate and manage the system under clause *c* of section 4, the company shall obtain the approval of the council before exercising any of its powers or authority. Approval of council

Exclusive authority to operate public transportation system

10. The authority of the corporation to operate a public transportation system within the limits of the City of Windsor shall be exclusive and notwithstanding the provisions of any general or special Act no person shall operate any public vehicle within the limits of Windsor for the transportation of passengers for hire, within the said City, except conveyances licensed as taxicabs, without the express written consent of the corporation.

Members of commission

11.—(1) Where a commission is established as provided in section 4, it shall be composed of not fewer than three and not more than five members appointed by the council, all of whom shall be residents of the City of Windsor, to hold office during the pleasure of council.

Chairman

(2) One of such members shall be designated by council as the chairman.

Vacancies

(3) Whenever a vacancy occurs from any cause, the council shall promptly appoint a successor.

Quorum

(4) A majority of the members of the commission shall form a quorum.

Remuneration

(5) The remuneration, if any, of members of the commission shall be established from time to time by the council.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970.*

SECTION 10. The section is intended to make it clear that the City of Windsor has exclusive authority to operate a public transportation system within its limits.

SECTION 11. The composition and manner of appointment of a commission to operate the railway is prescribed.



An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1930

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 158

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1930

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 158 **1970**

An Act to amend The Sandwich, Windsor and Amherstburg Railway Act, 1930

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* is repealed and the following substituted therefor: 1930, c. 17, s. 2, cl. *a*, re-enacted

(*a*) "corporation" means The Corporation of the City of Windsor.

(2) The said section 2, as amended by section 1 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is further amended by adding thereto the following clause: 1930, c. 17, s. 2, amended

(*g*) "council" means the council of the corporation.

2. Section 14 of the agreement authorized by *The Hydro-Electric Railway Act, 1914* and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the Township of Sandwich East, the Township of Sandwich West, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg and the City of Windsor, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* and section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is struck out and the following substituted therefor: Agreement of Jan. 1st, 1920, amended 1914, c. 31 1920, c. 57 1930, c. 17 1939, c. 43

14. This agreement shall continue and extend for a period of sixty years from the 4th day of June, 1920, unless terminated at an earlier date by by-law of the corporation.

Assets of railway vested in corporation

3. All of the assets, properties and undertakings of the company of every nature and kind and wheresoever situate are vested in and become the sole property of the corporation subject to the corporation assuming and being charged with the liability for payment of all accounts, debentures and other indebtedness of the company and to the due performance of all obligations of the company in respect of contracts, leases or other agreements entered into or undertaken by the company as if the corporation had incurred such indebtedness or been a party to every such contract, lease or agreement in the place and stead of the company.

Authority to operate and manage railway

4. The corporation has the exclusive authority and jurisdiction to,

(*a*) operate the system of public transportation operated by the company;

(*b*) delegate the authority to operate and manage the said system to a commission established by by-law of the corporation;

(*c*) authorize the company to continue to operate and manage the said system; or

(*d*) enter into or authorize the company to enter into an agreement with any person or persons to operate and manage the said system on behalf of the corporation on such terms and conditions as the council may approve.

1930, c. 17, s. 3 (1939, c. 43, s. 3), subss. 2-6, re-enacted

5.—(1) Subsections 2, 3, 4, 5 and 6 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, are repealed and the following substituted therefor:

Members of company

(2) The council shall appoint not fewer than three and not more than five persons who shall be the members and directors of the company and who shall hold office during the pleasure of the council and until their respective successors are appointed.

Vacancies

(3) The council shall fill any vacancies which may occur in such membership of the company.

Qualifications of membership

(4) The members so appointed from time to time shall possess the qualifications requisite for election to the council and any member of council shall be eligible for such appointment.

(5) The council shall designate one of such members as chairman. Chairman

(6) A majority of the members of the company shall constitute a quorum. Quorum

(7) The remuneration, if any, of the members of the company shall be fixed by the council. Remuneration

(8) The company shall furnish such information respecting the affairs of the company as the council may at any time require. Furnishing of information

(2) The members of the company who are in office when this Act comes into force shall remain in office and continue to manage the affairs of the company until the members appointed under subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by subsection 1, are appointed. Composition of company before appointments

6. Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, as re-enacted by section 1 of *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1952*, is repealed. 1939, c. 43, s. 9, subs. 3 (1952, c. 95, s. 1), repealed

7. Section 11 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed. 1939, c. 43, s. 11, repealed

8.—(1) Where an agreement has been entered into with any person or persons under clause *d* of section 4 to whom is delegated all or any of the operating authority of the company such person or persons may, subject to the restrictions and limitations binding upon the company, exercise all of the powers, rights, authorities and privileges heretofore possessed by the company in the operation and management of the system of public transportation operated by the company. Where agreement entered into with person to operate railway

(2) Where an agreement has been entered into by the company with any person or persons under clause *d* of section 4, the person or persons to whom the operating authority of the company has been delegated shall obtain the approval of the council before exercising any powers or authority relating to the operation of the public transportation system. Idem

9. Where the corporation has authorized the company to operate and manage the system under clause *c* of section 4, the company shall obtain the approval of the council before exercising any of its powers or authority. Approval of council

Exclusive authority to operate public transportation system

10. The authority of the corporation to operate a public transportation system within the limits of the City of Windsor shall be exclusive and notwithstanding the provisions of any general or special Act no person shall operate any public vehicle within the limits of Windsor for the transportation of passengers for hire, within the said City, except conveyances licensed as taxicabs, without the express written consent of the corporation.

Members of commission

11.—(1) Where a commission is established as provided in section 4, it shall be composed of not fewer than three and not more than five members appointed by the council, all of whom shall be residents of the City of Windsor, to hold office during the pleasure of council.

Chairman

(2) One of such members shall be designated by council as the chairman.

Vacancies

(3) Whenever a vacancy occurs from any cause, the council shall promptly appoint a successor.

Quorum

(4) A majority of the members of the commission shall form a quorum.

Remuneration

(5) The remuneration, if any, of members of the commission shall be established from time to time by the council.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970.*

An Act to amend
The Sandwich, Windsor and
Amherstburg Railway Act, 1930

1st Reading

June 17th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. MCKEOUGH

1970

BILL 159

3rd Session, 28th Legislature, Ontario
19 Elizabeth II, 1970

An Act to amend The Corporations Tax Act

Mr. White

TORONTO
Printed and Published by William Kinmond, Queen's Printer and Publisher

Explanatory Notes

The majority of amendments contained in the Bill are those which result from the amendments to the *Income Tax Act* (Canada). The remaining amendments are of an administrative nature.

Section 1—Subsection 1. The amendment makes clear that all insurance corporations are subject to the applicable provisions of the Act.

Section 1—Subsection 2. The amendment will eliminate the need for filing documents with the Minister identical with those filed with the Minister of National Revenue. Evidence that the plan has been accepted for federal income tax purposes will make the plan acceptable for corporations tax purposes.

Section 2—Subsection 1. The amendment provides that for the purpose of allocating the taxable income of insurance corporations to the provinces and territories of Canada, total net premiums are restricted to the premiums that are included in computing the incomes of such corporations.

BILL 159 **1970**

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act*, as re-enacted by section 1 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by inserting after "corporation" in the second line "with or without share capital", so that the paragraph shall read as follows: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 21 (1968-69, c. 19, s. 1), amended

21. "insurance corporation" or "insurer" means a corporation, with or without share capital, that carries on an insurance business.

(2) Paragraph 32 of subsection 1 of the said section 1, as amended by subsection 3 of section 1 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 32, re-enacted

32. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted for registration by the Minister of National Revenue for purposes of the *Income Tax Act* (Canada) in respect of its constitution and operations for the fiscal year under consideration. R.S.C. 1952, c. 148

2.—(1) Subsection 10*a* of section 4 of *The Corporations Tax Act*, as enacted by subsection 2 of section 3 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by adding at the end thereof "that are included in computing its income", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 4, subs. 10*a* (1968-69, c. 19, s. 3, subs. 2), amended

(10*a*) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been Idem

earned in a fiscal year in a province or territory of Canada, outside Ontario, is that proportion of its taxable income for the fiscal year that the aggregate of,

(*a*) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and

(*b*) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada that are included in computing its income.

R.S.O. 1960, c. 73, s. 4, subs. 35 (1962-63, c. 26, s. 1, subs. 1), re-enacted

(2) Subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63* and amended by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1967*, is repealed and the following substituted therefor:

Foreign tax credits

(35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada or is deemed to have received income in the form of dividends and interest from a country outside Canada by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1*a* of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any

R.S.C. 1952, c. 148

Subsection 2. The amendment is consequential upon the enactment of the new section 53*b* of the Act by section 14 of this Bill. It has the effect of extending the provisions of section 4, subsection 35 of the Act to those corporations that are liable to tax under section 53*b* of the Act.

Subsection 3. The amendment brings the subsection in line with the *Income Tax Act* (Canada) and incorporates the change suggested by The Ontario Committee on Taxation. The purpose of the amendment is to clarify the liability for tax where the status of the corporation described in the subsection changes during the fiscal year.

part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of, R.S.C. 1952, c. 148

(*a*) 10 per cent of that part of such foreign investment income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or

(*b*) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

(i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

(ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

(3) Subsection 37 of the said section 4, as amended by subsections 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1961-62* and subsections 3 and 4 of section 3 R.S.O. 1960, c. 73, s. 4, subs. 37, amended

of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "No tax is payable under this section by a corporation for a fiscal year when that corporation was" in the first and second lines and inserting in lieu thereof "No tax is payable under this section upon the taxable income of a corporation for a period when that corporation was".

R.S.O. 1960, c. 73, s. 4, subs. 37, cl. *o* (1968, c. 20, s. 3, subs. 3) subs. cl. ii, re-enacted

(4) Subclause ii of clause *o* of subsection 37 of the said section 4, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(ii) from bonds, debentures or other securities issued or guaranteed by

(A) the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection 1 of section 2 of the *Bretton Woods Agreements Act*, or

R.S.C. 1952 c. 19

(B) the Inter-American Development Bank,

the income from which securities is payable in Canadian currency, or

. . . . .

R.S.O. 1960, c. 73, s. 5*a* (1968-69, c. 19, s. 5), re-enacted

3. Section 5*a* of *The Corporations Tax Act*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1968-69* (*No. 2*), is repealed and the following substituted therefor:

Apportionment of capital and other special tax

5*a*. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply,

(*a*) to any corporation to which subsection 1*a*, 17 or 18 of section 5 applies; or

(*b*) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

Subsection 4. The amendment would treat bonds, debentures or other securities of the Inter-American Development Bank in the same manner as those of the International Bank for Reconstruction and Development. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 3. The amendment clarifies the intent of the section. There is no change in intent or substance.

SECTION 4. The amendment is consequential upon the amendment proposed in section 14 of this Bill. It will require a corporation to include in its income profit or gains from the disposition of, or investment income from holding, a life insurance policy. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 5—Subsection 1. The amendment brings the subsection in line with the *Income Tax Act* (Canada) and incorporates the change suggested by The Ontario Committee on Taxation. The amendment makes clear that the provisions of the subsection apply to a corporation that has a permanent establishment in Canada that is the first owner of the obligation.

Subsection 2. The amendment requires the inclusion in the income of a corporation, the specified portion of an amount received under a life annuity contract entered into before June 14, 1963. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 6—Subsection 1. This amendment would prevent a corporation, in computing its income, from deducting interest paid on borrowed money used to buy a life insurance policy. A similar amendment was made to the *Income Tax Act* (Canada).

4. Section 17 of *The Corporations Tax Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 73, s. 17, amended

(*ia*) amounts that the corporation became entitled to receive in the fiscal year upon the disposition of an interest in a life insurance policy, to the extent provided by section 53*b*; insurance policy proceeds

(*ib*) amounts allocated to the corporation in the fiscal year by an insurer as provided by section 53*b*. Allocations under insurance policies

5.—(1) Subsection 2 of section 18 of *The Corporations Tax Act*, as enacted by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is amended by striking out "and" in the forty-third line and inserting in lieu thereof "that". R.S.O. 1960, c. 73, s. 18, subs. 2 (1961-62, c. 23, s. 6), amended

(2) Clause *c* of subsection 5 of the said section 18, as enacted by section 3 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 18, subs. 5 (1964, c. 11, s. 3) cl. *c*, re-enacted

(*c*) in satisfaction of the rights of the corporation under a life annuity contract, as defined by regulation, that was entered into before the 14th day of June, 1963, except to the extent that the amount so received exceeds the aggregate of,

(i) the value of its rights under the contract on the second anniversary date of the contract to occur after the 22nd day of October, 1968, and

(ii) the aggregate of premiums paid by the corporation under the contract after the said second anniversary date.

6.—(1) Subclauses i and ii of clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *a*, subcls. i, ii, re-enacted

(i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt or to acquire an interest in a life insurance policy,

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income

from a business, other than property the income from which would be exempt or property that is an interest in a life insurance policy, or

. . . . .

R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *n*, repealed

(2) Clause *n* of subsection 1 of the said section 22 is repealed.

R.S.O. 1960, c. 73, s. 22, subs. 7, re-enacted

(3) Subsection 7 of the said section 22 is repealed and the following substituted therefor:

Idem

(7) For greater certainty, it is hereby declared that where a corporation has used borrowed money,

(*a*) to repay money previously borrowed; or

(*b*) to pay an amount payable for property described in subclause ii of clause *a* of subsection 1 previously acquired,

the borrowed money shall, for the purposes of section 66*a* and for clause *a* or *g* of subsection 1, be deemed to have been used for the purpose for which the money previously borrowed was used or was deemed by this subsection to have been used, or to acquire the property in respect of which the said amount was so payable, as the case may be.

R.S.O. 1960, c. 73, s. 28 (1965, c. 22, s. 7), amended

7. Section 28 of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1965*, is amended by adding thereto the following subsections:

Unpaid remuneration

(3) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person as salary, wages or other remuneration in respect of an office or employment is unpaid at the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred,

(*a*) the amount so unpaid shall be included in computing the corporation's income for the second fiscal year following the fiscal year in which the outlay or expense was incurred; or

(*b*) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the first fiscal year

Subsection 2. The clause repealed was superfluous because of the re-enactment of section 43 of the Act by *The Corporations Tax Amendment Act, 1968-69*.

Subsection 3. The amendment is consequential upon the amendment proposed in section 18 of the Bill. It permits the corporation to elect to capitalize instead of deducting from income, the cost of borrowed money. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 7. The amendment sets out rules dealing with the situation where amounts in respect of unpaid remuneration owed by the corporation that are deductible by it for tax purposes have not been paid to the employee. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 8—Subsection 1. The amendment proposed clarifies the rules relating to the recapture of capital cost allowance in the case of proceeds of disposition of a vessel. A similar amendment was made to the *Income Tax Act* (Canada).

following the fiscal year in which the outlay or expense was incurred, for the purposes of this Act the following rules apply,

(i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said second fiscal year, and

(ii) that person shall be deemed to have made a loan to the corporation on the first day of the said second fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said second fiscal year.

Where unpaid at time corporation wound up

(4) Where an amount in respect of a deductible outlay or expense described in subsection 3 that was owing by a corporation is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up.

Application

(5) Subsection 1 does not apply in any case where subsection 3 applies and subsection 2 does not apply in in any case where subsection 4 applies.

Late filing

(6) Where, in respect of an amount described in subsection 1 or 3 that was owing by a corporation to a person, an agreement in prescribed form for the purposes of this section is filed after the day on or before which the agreement is required to be filed for purposes of clause *b* of subsection 1 or clause *b* of subsection 3, as the case may be, both clauses *a* and *b* of subsection 1 or clauses *a* and *b* of subsection 3, as the case may be, apply in respect of the said amount, except that clause *a* of subsection 1 or clause *a* of subsection 3, as the case may be, shall be read and construed as requiring 25 per cent only of the said amount to be included in computing the corporation's income.

R.S.O. 1960, c. 73, s. 31, subs. 13 (1968, c. 20, s. 14, subs. 5), cl. *a*, re-enacted

8.—(1) Clause *a* of subsection 13 of section 31 of *The Corporations Tax Act*, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(*a*) subsection 1 does not apply to the proceeds of disposition,

(i) if an amount at least equal to the proceeds of disposition is used by the corporation, before 1974 and during the fiscal year of the corporation in which the vessel is disposed of or within four months from the end of that fiscal year, under conditions satisfactory to the Minister, either for replacement or to incur any conversion cost with respect to a vessel owned by the corporation, or

(ii) if the Minister certifies that the corporation has, on satisfactory terms, deposited,

(A) on or before the day on which it is required to file a return of its income for the fiscal year in which the vessel was disposed of, or

(B) on or before such day subsequent to the day referred to in subclause A, as the Minister may specify in respect of the corporation,

an amount at least equal to the tax that would, but for this subsection, be payable by the corporation under this Act in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

. . . . .

R.S.O. 1960, c. 73, s. 31, subs. 17 (1968, c. 20, s. 14, subs. 5), re-enacted

(2) Subsection 17 of the said section 31, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Disposition of deposits

(17) All or any part of a deposit made under subclause ii of clause *a* of subsection 13 may be paid out to or on behalf of any corporation which, under conditions satisfactory to the Minister and as a replacement for the vessel disposed of, acquires a vessel before 1974,

(*a*) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British

Subsection 2. The amendment adds a reference to the new subsection 18, proposed by subsection 3 of this section of the Bill, and makes one other minor change in language. A similar amendment was made to the *Income Tax Act* (Canada).

Subsection 3. This new provision permits the Minister to refund, n certain circumstances, a deposit made pursuant to clause *a* of subsection 13 of section 31 and sets out the consequences of the making of such a refund. A similar amendment was made to the *Income Tax Act* (Canada).

Commonwealth Merchant Shipping Agreement (signed at London on the 10th day of December, 1931) applies; and

(*b*) in respect of the capital cost of which no allowance has been made to any other corporation under this Act or the *Canadian Vessel Construction Assistance Act* (Canada) or the *Income Tax Act* (Canada), R.S.C. 1952, cc. 43, 148

or incurs any conversion cost with respect to a vessel owned by the corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to it of the vessel or the conversion cost to it of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 or not paid out pursuant to subsection 18 shall be paid to the Treasurer of Ontario.

(3) The said section 31 is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 31, amended

(18) Notwithstanding any other provision of this section, where a deposit was made by a corporation under subclause ii of clause *a* of subsection 13 and the proceeds of disposition in respect of which the deposit was made are not used by any corporation before 1974 under conditions satisfactory to the Minister as a replacement for the vessel disposed of, Idem

(*a*) to acquire a vessel described in clauses *a* and *b* of subsection 17; or

(*b*) to incur any conversion cost with respect to a vessel owned by that corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement applies,

the Minister may refund to the corporation the deposit, or the part thereof not paid out to the corporation under subsection 17, as the case may be,

in which case there shall be added, in computing the income of the corporation for the fiscal year of the corporation in which the vessel was disposed of, that proportion of the amount that would have been included in computing its income by virtue of subsection 1 had the deposit not been made under subclause ii of clause *a* of subsection 13, that the portion of the proceeds of disposition not so used before 1974 as such a replacement is of the proceeds of disposition; and notwithstanding any other provision of this Act such reassessments of tax, interest or penalties shall be made as are necessary to give effect to this subsection.

R.S.O. 1960, c. 73, s. 39, subs. 3, re-enacted

9. Subsection 3 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Idem

(3) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such part of a loss from farming sustained by it in another fiscal year as was not by virtue of section 24, deductible in computing its income for that other fiscal year, except to the extent of its income, if any, for the fiscal year from farming.

R.S.O. 1960, c. 73, s. 43 (1968-69, c. 19, s. 12), subs. 1, re-enacted

10.—(1) Subsection 1 of section 43 of *The Corporations Tax Act*, as re-enacted by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is repealed and the following substituted therefor:

Insurance corporation and insurer defined

R.S.C. 1952, c. 148

(1) For the purpose of this section, an "insurance corporation" or "insurer" means any corporation with or without share capital, to which section 68A of the *Income Tax Act* (Canada) applies.

R.S.O. 1960, c. 73, s. 43 (1968-69, c. 19, s. 12), subs. 2, amended

(2) Subsection 2 of the said section 43 is amended by inserting after "that" in the seventh line "for the purpose of section 4", so that the subsection shall read as follows:

Calculation of taxable income

R.S.C. 1952, c. 148

(2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that for the purpose of section 4, the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

SECTION 9. The amendment brings the subsection in line with the wording in the *Income Tax Act* (Canada) and establishes clearly the manner in which a loss from farming may be applied.

SECTION 10—Subsection 1. The amendment is complementary to the amendment contained in section 1 of the Bill.

Subsection 2. The amendment clarifies the purpose and intent of the subsection.

SECTION 11. The amendment is consequential upon the re-enactment of section 43 of the Act by section 12 of *The Corporations Tax Amendment Act, 1968-69* (*No. 2*) and provides that where a provincial life insurance corporation converts to a mutual corporation there will not be any deemed accretions to the shareholders. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 12. The section repealed is superfluous with the re-enactment of section 43 of the Act by section 12 of *The Corporations Tax Amendment Act, 1968-69* (*No. 2*).

SECTION 13. The addition of subsection 1*a* to section 53 of the Act eliminates the need for filing documents identical with those filed for purposes of registration under the *Income Tax Act* (Canada). The addition of subsection 4 to section 53 will provide that any amount received after October 22, 1968 by a corporation from a trustee under a registered supplementary unemployment benefit plan to which the corporation has made payments, resulting from an amendment, modification or termination of the plan, shall be included in the income of the corporation.

SECTION 14. The amendment would require the corporation to include in its income the same profit or gain from the disposition of, or investment income from holding, a life insurance policy as it includes for purposes of the *Income Tax Act* (Canada).

11. Section 44 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 44, re-enacted

Conversion of provincial life insurance corporation into mutual corporation

44. Where a life insurance corporation that is incorporated under the laws of a province has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

(*a*) section 19 does not apply to require the inclusion, in computing the income of a shareholder of the corporation of any part of that amount; and

(*b*) no part of that amount shall be deemed for the purposes of subsection 2 of section 43 to have been paid to shareholders or, for the purposes of section 54, to have been received as a dividend.

12. Section 49 of *The Corporations Tax Act* is repealed. R.S.O. 1960, c. 73, s. 49, repealed

13. Section 53 of *The Corporations Tax Act*, as re-enacted by section 25 of *The Corporations Tax Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 73, s. 53 (1968, c. 20, s. 25), amended

Plan deemed accepted

(1*a*) The Minister shall be deemed to have accepted for registration as a supplementary unemployment benefit plan under this Act every supplementary unemployment benefit plan that is accepted for registration by the Minister of National Revenue for Canada as a supplementary unemployment benefit plan under section 79A of the *Income Tax Act* (Canada). R.S.C. 1952, c. 148

. . . . . .

Amounts received on amendment or winding up of plan

(4) There shall be included in computing the income for a fiscal year of a corporation that, as an employer, has made any payment to a trustee under a supplementary unemployment benefit plan, any amount received by the corporation in the year as a result of an amendment to or modification of the plan or as a result of the termination or winding up of the plan.

14. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960, c. 73, amended

Amounts included in computing policy-holder's income

53*b*. Where a corporation to which the provisions of section 79D of the *Income Tax Act* (Canada) apply, it is hereby declared that the amount to be included in its income for the purposes of this section shall be the same as is required to be included for the purposes of section 79D of the *Income Tax Act* (Canada).

R.S.O. 1960, c. 73, s. 57, subs. 4*c* (1966, c. 30, s. 9, subs. 3), amended

15.—(1) Subsection 4*c* of section 57 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 9 of *The Corporations Tax Amendment Act, 1966*, is amended by inserting after "1962" in the fourth line "and before the 23rd day of October, 1968".

R.S.O. 1960, c. 73, s. 57, subss. 4*d*, 4*e* (1962-63, c. 26, s. 8, subs. 6), re-enacted

(2) Subsections 4*d* and 4*e* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Idem

(4*ca*) Where a right, licence or privilege described in subsection 4*c* was disposed of after the 22nd day of October, 1968,

(*a*) by a corporation described in subsection 3*b*; or

(*b*) by a corporation, other than a corporation described in subsection 3*b*, that was at the time of acquisition of such right, licence or privilege a corporation described in subsection 3*b*,

the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

Idem

(4*d*) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation other than a corporation described in subsection 3*b* is subsequently disposed of,

(*a*) before the 23rd day of October, 1968, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the amount was received; or

SECTION 15. The amendment would change several subsections of section 57 of the Act to provide that proceeds from sales after October 22, 1968 of certain oil and gas rights be included in income in the fiscal year of the sale instead of when the proceeds are collected. A consequential amendment is proposed to section 60 of the Act (section 16 of the Bill) to allow a reserve in respect of that part of the proceeds not yet received. A similar amendment was made to the *Income Tax Act* (Canada).

SECTION 16—Subsections 1 and 3. These amendments are related to the amendments proposed by section 15 of the Bill. They will enable the corporation, except in the situations set out in subsection 7*aa* of section 60 of the Act, to deduct as a reserve the part of the amount required to be included in its income for the fiscal year by virtue of the amendments proposed by section 16 of the Bill that is not receivable until after the year.

Subsection 2. The subsection repealed was superfluous because of the re-enactment of section 43 of *The Corporations Tax Act* by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*.

(*b*) after the 22nd day of October, 1968, the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year. Idem

(4*e*) Subsections 4*c*, 4*ca*, and 4*d* do not apply to any disposition by a corporation of any right, licence or privilege described in subsection 4*b* or 4*c* unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4*b*.

(3) Subsection 4*f* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by inserting after "4*c*" in the first line "4*ca*". R.S.O. 1960, c. 73, s. 57, subs. 4*f* (1962-63, c. 26, s. 8, subs. 6), amended

16.—(1) Subsection 1 of section 60 of *The Corporations Tax Act*, as amended by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *d*, by striking out clause *e*, and by adding thereto the following clauses: R.S.O. 1960, c. 73, s. 60, subs. 1, amended

(*da*) where pursuant to subsection 4*ca* or 4*d* of section 57, an amount has been included in computing the corporation's income for the fiscal year or for a previous fiscal year in respect of the disposition after the 22nd day of October, 1968 of a right, licence or privilege described in that subsection and that amount or a part thereof is not receivable until a day that is after the end of the fiscal year, there may be deducted as a reserve in respect of that amount the part thereof that is not receivable until a day that is after the end of the fiscal year, and no deduction may be made in respect of that amount by virtue of clause *d;* and

(*e*) there shall be included the amounts deducted under clauses *c*, *d* and *da* in computing the income of the corporation for the immediately preceding fiscal year.

(2) Subsection 5 of the said section 60, as re-enacted by subsection 2 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 73, s. 60, subs. 5 (1961-62, c. 23, s. 20, subs. 2), repealed

R.S.O. 1960, c. 73, s. 60, amended

(3) The said section 60 is amended by adding thereto the following subsection:

Idem

(7*aa*) Clause *da* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year where the corporation, at any time in the fiscal year or in the immediately following fiscal year,

(*a*) ceases to have a permanent establishment in Canada;

(*b*) becomes exempt from tax under any provision of this Act; or

(*c*) if incorporated outside Canada ceases to be liable for the income taxes imposed under the Act.

R.S.O. 1960, c. 73, s. 64 (1966, c. 30, s. 10), re-enacted

17. Section 64 of *The Corporations Tax Act*, as re-enacted by section 10 of *The Corporations Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Special mortgage reserve

64. In computing the income for a fiscal year of a corporation whose business includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property,

(*a*) there shall be deducted and allowed as a reserve the same amount as is deducted and allowed for each fiscal year under clause *a* of section 85G of the *Income Tax Act* (Canada); and

R.S.C. 1952, c. 148

(*b*) there shall be included the same amount as is included for each fiscal year under clause *b* of section 85G of the *Income Tax Act* (Canada).

R.S.O. 1960, c. 73, amended

18. *The Corporations Tax Act* is amended by adding thereto the following section:

Acquisition of depreciable property

66*a*.—(1) Where in a fiscal year a corporation has acquired property in respect of which it is entitled to a deduction under regulations made under clause *a* of subsection 2 of section 22 in computing its income for that fiscal year, hereinafter in this section referred to as "depreciable property", if it so elects in a manner prescribed on or before the day on or before which it is required by section 71 to file its return of income for the year,

SECTION 17. The amendment provides that for the 1969 and subsequent fiscal years a corporation will be allowed the same mortgage reserve as is allowed to it under the *Income Tax Act* (Canada).

SECTION 18. The addition of the new section 66*a* to the Act will enable a corporation at its option to capitalize instead of deducting as an expense the cost of borrowed money used to acquire depreciable property or used for the purpose of exploration, prospecting or development. A similar amendment was made to the *Income Tax Act* (Canada).

(*a*) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it; and

(*b*) the amount or the part of the amount, as the case may be, described in clause *a* shall be added to the capital cost to it of the depreciable property so acquired by it.

Borrowed money used for exploration, prospecting and development

(2) Where in a fiscal year a corporation has used borrowed money for the purpose of exploration, prospecting or development, and the expenses incurred by it in respect of the exploration, prospecting or development are deductible in computing its income for the fiscal year by virtue of section 57 or would be so deductible by virtue of that section if the corporation had sufficient income for the fiscal year to permit such a deduction to be made, if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year,

(*a*) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development; and

(*b*) the amount or the part of the amount, as the case may be, described in clause *a*

shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

Idem

(3) In computing the income of a corporation for a fiscal year, where the corporation,

(*a*) in any preceding fiscal year made an election under subsection 1 in respect of borrowed money used to acquire depreciable property or an amount payable for depreciable property acquired by it; and

(*b*) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it, and the said amount or part of the amount, as the case may be, shall be added to the capital cost to it of the depreciable property so acquired by it.

Idem

(4) In computing the income of a corporation for a fiscal year, where the corporation,

(*a*) in any preceding fiscal year made an election under subsection 2 in respect of borrowed money used for the purpose of exploration, prospecting or development; and

SECTION 19. The amendment limits the time in which the Minister may re-assess a corporation to six years unless the specific conditions referred to in clause *a* of the subsection apply, in which case the Minister may assess or re-assess at any time.

(*b*) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used for the exploration, prospecting and development,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development, and the said amount or part of the amount, as the case may be, shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

Reassessments

(5) Notwithstanding any other provision of this Act, where a corporation has made an election in accordance with the provisions of subsection 1 or 2, such reassessments of tax, interest or penalties shall be made as are necessary to give effect thereto.

Co-operative corporations

(6) This section does not apply to a co-operative corporation for the period during which it was exempt by section 48 from payment of tax under this Act.

R.S.O. 1960, c. 73, s. 76, subs. 4, re-enacted

19. Subsection 4 of section 76 of *The Corporations Tax Act*, as amended by subsection 3 of section 38 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Re-assessment

(4) The Minister may at any time assess tax, interest or penalties, or notify in writing any person by whom a return of income or other subject of tax for a fiscal year has been filed that no tax is payable for the fiscal year, and may,

(*a*) at any time, if the corporation or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or

(ii) has failed to file financial statements with the return required to be filed under section 71, or

(iii) has been negligent in supplying any information under this Act, or

(iv) has filed with the Minister a waiver in a prescribed form within six years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a fiscal year, or

(v) has claimed a deduction under section 51; and

(*b*) within six years from the day referred to in subclause iv of clause *a*, in any other case,

reassess or make additional assessments or assess tax, interest or penalties, as the circumstances require.

R.S.O. 1960, c. 73, amended

20. *The Corporations Tax Act* is amended by adding thereto the following section:

Time for laying information

89*a*. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

Application

21.—(1) Section 18 applies with respect to the 1968 and subsequent fiscal years.

Idem

(2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, and subsection 2 of section 16 apply with respect to the 1969 and subsequent fiscal years.

Idem

(3) Subsection 2 of section 2, section 4, subsection 2 of section 5, section 14 and section 19 apply with respect to the 1970 and subsequent fiscal years.

Idem

(4) Subsections 3, 4, 5 and 6 of section 28 of the Act, as enacted by section 7 of this Act, is applicable to an outlay or expense incurred in a fiscal year ending after October 22nd, 1968.

SECTION 20. The amendment allows an information to be laid within six years after an offence against the Act arose.

22. This Act comes into force on the day it receives Royal Assent. Commencement

23. This Act may be cited as *The Corporations Tax Amendment Act, 1970*. Short title

An Act to amend
The Corporations Tax Act

1st Reading

June 18th, 1970

2nd Reading

3rd Reading

MR. WHITE

1970

BILL 159

3rd Session, 28th Legislature, Ontario
19 Elizabeth II, 1970

An Act to amend The Corporations Tax Act

Mr. White

TORONTO
Printed and Published by William Kinmond, Queen's Printer and Publisher

BILL 159 **1970**

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act*, as re-enacted by section 1 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by inserting after "corporation" in the second line "with or without share capital", so that the paragraph shall read as follows: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 21 (1968-69, c. 19, s. 1) amended

21. "insurance corporation" or "insurer" means a corporation, with or without share capital, that carries on an insurance business.

(2) Paragraph 32 of subsection 1 of the said section 1, as amended by subsection 3 of section 1 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 32, re-enacted

32. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted for registration by the Minister of National Revenue for purposes of the *Income Tax Act* (Canada) in respect of its constitution and operations for the fiscal year under consideration. R.S.C. 1952, c. 148

2.—(1) Subsection 10*a* of section 4 of *The Corporations Tax Act*, as enacted by subsection 2 of section 3 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by adding at the end thereof "that are included in computing its income", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 4, subs. 10*a* (1968-69, c. 19, s. 3, subs. 2), amended

(10*a*) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been Idem

earned in a fiscal year in a province or territory of Canada, outside Ontario, is that proportion of its taxable income for the fiscal year that the aggregate of,

(*a*) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and

(*b*) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada that are included in computing its income.

R.S.O. 1960, c. 73, s. 4, subs. 35 (1962-63, c. 26, s. 1, subs. 1), re-enacted

(2) Subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63* and amended by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1967*, is repealed and the following substituted therefor:

Foreign tax credits

(35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada or is deemed to have received income in the form of dividends and interest from a country outside Canada by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1*a* of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any

R.S.C. 1952, c. 148

part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of, R.S.C. 1952, c. 148

(*a*) 10 per cent of that part of such foreign investment income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or

(*b*) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

(i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

(ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

(3) Subsection 37 of the said section 4, as amended by subsections 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1961-62* and subsections 3 and 4 of section 3 R.S.O. 1960, c. 73, s. 4, subs. 37, amended

of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "No tax is payable under this section by a corporation for a fiscal year when that corporation was" in the first and second lines and inserting in lieu thereof "No tax is payable under this section upon the taxable income of a corporation for a period when that corporation was".

R.S.O. 1960, c. 73, s. 4, subs. 37, cl. *o* (1968, c. 20, s. 3, subs. 3) subs. cl. ii, re-enacted

(4) Subclause ii of clause *o* of subsection 37 of the said section 4, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(ii) from bonds, debentures or other securities issued or guaranteed by

(A) the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection 1 of section 2 of the *Bretton Woods Agreements Act*, or

R.S.C. 1952 c. 19

(B) the Inter-American Development Bank,

the income from which securities is payable in Canadian currency, or

. . . . .

R.S.O. 1960, c. 73, s. 5*a* (1968-69, c. 19, s. 5), re-enacted

3. Section 5*a* of *The Corporations Tax Act*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1968-69* (*No. 2*), is repealed and the following substituted therefor:

Apportionment of capital and other special tax

5*a*. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply,

(*a*) to any corporation to which subsection 1*a*, 17 or 18 of section 5 applies; or

(*b*) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

4. Section 17 of *The Corporations Tax Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 73, s. 17, amended

(*ia*) amounts that the corporation became entitled to receive in the fiscal year upon the disposition of an interest in a life insurance policy, to the extent provided by section 53*b*; insurance policy proceeds

(*ib*) amounts allocated to the corporation in the fiscal year by an insurer as provided by section 53*b*. Allocations under insurance policies

5.—(1) Subsection 2 of section 18 of *The Corporations Tax Act*, as enacted by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is amended by striking out "and" in the forty-third line and inserting in lieu thereof "that". R.S.O. 1960, c. 73, s. 18, subs. 2 (1961-62, c. 23, s. 6), amended

(2) Clause *c* of subsection 5 of the said section 18, as enacted by section 3 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 18, subs. 5 (1964, c. 11, s. 3) cl. *c*, re-enacted

(*c*) in satisfaction of the rights of the corporation under a life annuity contract, as defined by regulation, that was entered into before the 14th day of June, 1963, except to the extent that the amount so received exceeds the aggregate of,

(i) the value of its rights under the contract on the second anniversary date of the contract to occur after the 22nd day of October, 1968, and

(ii) the aggregate of premiums paid by the corporation under the contract after the said second anniversary date.

6.—(1) Subclauses i and ii of clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *a*, subcls. i, ii, re-enacted

(i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt or to acquire an interest in a life insurance policy,

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income

from a business, other than property the income from which would be exempt or property that is an interest in a life insurance policy, or

. . . . .

R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *n*, repealed

(2) Clause *n* of subsection 1 of the said section 22 is repealed.

R.S.O. 1960, c. 73, s. 22, subs. 7, re-enacted

(3) Subsection 7 of the said section 22 is repealed and the following substituted therefor:

Idem

(7) For greater certainty, it is hereby declared that where a corporation has used borrowed money,

(*a*) to repay money previously borrowed; or

(*b*) to pay an amount payable for property described in subclause ii of clause *a* of subsection 1 previously acquired,

the borrowed money shall, for the purposes of section 66*a* and for clause *a* or *g* of subsection 1, be deemed to have been used for the purpose for which the money previously borrowed was used or was deemed by this subsection to have been used, or to acquire the property in respect of which the said amount was so payable, as the case may be.

R.S.O. 1960, c. 73, s. 28 (1965, c. 22, s. 7), amended

7. Section 28 of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1965*, is amended by adding thereto the following subsections:

Unpaid remuneration

(3) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person as salary, wages or other remuneration in respect of an office or employment is unpaid at the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred,

(*a*) the amount so unpaid shall be included in computing the corporation's income for the second fiscal year following the fiscal year in which the outlay or expense was incurred; or

(*b*) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the first fiscal year

following the fiscal year in which the outlay or expense was incurred, for the purposes of this Act the following rules apply,

(i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said second fiscal year, and

(ii) that person shall be deemed to have made a loan to the corporation on the first day of the said second fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said second fiscal year.

Where unpaid at time corporation wound up

(4) Where an amount in respect of a deductible outlay or expense described in subsection 3 that was owing by a corporation is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up.

Application

(5) Subsection 1 does not apply in any case where subsection 3 applies and subsection 2 does not apply in in any case where subsection 4 applies.

Late filing

(6) Where, in respect of an amount described in subsection 1 or 3 that was owing by a corporation to a person, an agreement in prescribed form for the purposes of this section is filed after the day on or before which the agreement is required to be filed for purposes of clause *b* of subsection 1 or clause *b* of subsection 3, as the case may be, both clauses *a* and *b* of subsection 1 or clauses *a* and *b* of subsection 3, as the case may be, apply in respect of the said amount, except that clause *a* of subsection 1 or clause *a* of subsection 3, as the case may be, shall be read and construed as requiring 25 per cent only of the said amount to be included in computing the corporation's income.

R.S.O. 1960, c. 73, s. 31, subs. 13 (1968, c. 20 s. 14, subs. 5), cl. *a*, re-enacted

8.—(1) Clause *a* of subsection 13 of section 31 of *The Corporations Tax Act*, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(*a*) subsection 1 does not apply to the proceeds of disposition,

(i) if an amount at least equal to the proceeds of disposition is used by the corporation, before 1974 and during the fiscal year of the corporation in which the vessel is disposed of or within four months from the end of that fiscal year, under conditions satisfactory to the Minister, either for replacement or to incur any conversion cost with respect to a vessel owned by the corporation, or

(ii) if the Minister certifies that the corporation has, on satisfactory terms, deposited,

(A) on or before the day on which it is required to file a return of its income for the fiscal year in which the vessel was disposed of, or

(B) on or before such day subsequent to the day referred to in subclause A, as the Minister may specify in respect of the corporation,

an amount at least equal to the tax that would, but for this subsection, be payable by the corporation under this Act in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

. . . . . .

R.S.O. 1960, c. 73, s. 31, subs. 17 (1968, c. 20, s. 14, subs. 5), re-enacted

(2) Subsection 17 of the said section 31, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Disposition of deposits

(17) All or any part of a deposit made under subclause ii of clause *a* of subsection 13 may be paid out to or on behalf of any corporation which, under conditions satisfactory to the Minister and as a replacement for the vessel disposed of, acquires a vessel before 1974,

(*a*) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British

Commonwealth Merchant Shipping Agreement (signed at London on the 10th day of December, 1931) applies; and

(*b*) in respect of the capital cost of which no allowance has been made to any other corporation under this Act or the *Canadian Vessel Construction Assistance Act* (Canada) or the *Income Tax Act* (Canada), R.S.C. 1952, cc. 43, 148

or incurs any conversion cost with respect to a vessel owned by the corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to it of the vessel or the conversion cost to it of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 or not paid out pursuant to subsection 18 shall be paid to the Treasurer of Ontario.

(3) The said section 31 is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 31, amended

(18) Notwithstanding any other provision of this section, where a deposit was made by a corporation under subclause ii of clause *a* of subsection 13 and the proceeds of disposition in respect of which the deposit was made are not used by any corporation before 1974 under conditions satisfactory to the Minister as a replacement for the vessel disposed of, Idem

(*a*) to acquire a vessel described in clauses *a* and *b* of subsection 17; or

(*b*) to incur any conversion cost with respect to a vessel owned by that corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement applies,

the Minister may refund to the corporation the deposit, or the part thereof not paid out to the corporation under subsection 17, as the case may be,

in which case there shall be added, in computing the income of the corporation for the fiscal year of the corporation in which the vessel was disposed of, that proportion of the amount that would have been included in computing its income by virtue of subsection 1 had the deposit not been made under subclause ii of clause *a* of subsection 13, that the portion of the proceeds of disposition not so used before 1974 as such a replacement is of the proceeds of disposition; and notwithstanding any other provision of this Act such reassessments of tax, interest or penalties shall be made as are necessary to give effect to this subsection.

R.S.O. 1960, c. 73, s. 39, subs. 3, re-enacted

9. Subsection 3 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Idem

(3) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such part of a loss from farming sustained by it in another fiscal year as was not by virtue of section 24, deductible in computing its income for that other fiscal year, except to the extent of its income, if any, for the fiscal year from farming.

R.S.O. 1960, c. 73, s. 43 (1968-69, c. 19, s. 12), subs. 1, re-enacted

10.—(1) Subsection 1 of section 43 of *The Corporations Tax Act*, as re-enacted by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is repealed and the following substituted therefor:

Insurance corporation and insurer defined

R.S.C. 1952, c. 148

(1) For the purpose of this section, an "insurance corporation" or "insurer" means any corporation with or without share capital, to which section 68A of the *Income Tax Act* (Canada) applies.

R.S.O. 1960, c. 73, s. 43 (1968-69, c. 19, s. 12), subs. 2, amended

(2) Subsection 2 of the said section 43 is amended by inserting after "that" in the seventh line "for the purpose of section 4", so that the subsection shall read as follows:

Calculation of taxable income

R.S.C. 1952, c. 148

(2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that for the purpose of section 4, the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

11. Section 44 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 44, re-enacted

Conversion of provincial life insurance corporation into mutual corporation

44. Where a life insurance corporation that is incorporated under the laws of a province has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law,

(*a*) section 19 does not apply to require the inclusion, in computing the income of a shareholder of the corporation of any part of that amount; and

(*b*) no part of that amount shall be deemed for the purposes of subsection 2 of section 43 to have been paid to shareholders or, for the purposes of section 54, to have been received as a dividend.

12. Section 49 of *The Corporations Tax Act* is repealed. R.S.O. 1960, c. 73, s. 49, repealed

13. Section 53 of *The Corporations Tax Act*, as re-enacted by section 25 of *The Corporations Tax Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 73, s. 53 (1968, c. 20, s. 25), amended

Plan deemed accepted

(1*a*) The Minister shall be deemed to have accepted for registration as a supplementary unemployment benefit plan under this Act every supplementary unemployment benefit plan that is accepted for registration by the Minister of National Revenue for Canada as a supplementary unemployment benefit plan under section 79A of the *Income Tax Act* (Canada). R.S.C. 1952, c. 148

. . . . . .

Amounts received on amendment or winding up of plan

(4) There shall be included in computing the income for a fiscal year of a corporation that, as an employer, has made any payment to a trustee under a supplementary unemployment benefit plan, any amount received by the corporation in the year as a result of an amendment to or modification of the plan or as a result of the termination or winding up of the plan.

14. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960, c. 73, amended

Amounts included in computing policy-holder's income

53*b*. Where a corporation to which the provisions of section 79D of the *Income Tax Act* (Canada) apply, it is hereby declared that the amount to be included in its income for the purposes of this section shall be the same as is required to be included for the purposes of section 79D of the *Income Tax Act* (Canada).

R.S.O. 1960, c. 73, s. 57, subs. 4*c* (1966, c. 30, s. 9, subs. 3), amended

15.—(1) Subsection 4*c* of section 57 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 9 of *The Corporations Tax Amendment Act, 1966*, is amended by inserting after "1962" in the fourth line "and before the 23rd day of October, 1968".

R.S.O. 1960, c. 73, s. 57, subss. 4*d*, 4*e* (1962-63, c. 26, s. 8, subs. 6), re-enacted

(2) Subsections 4*d* and 4*e* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Idem

(4*ca*) Where a right, licence or privilege described in subsection 4*c* was disposed of after the 22nd day of October, 1968,

(*a*) by a corporation described in subsection 3*b*; or

(*b*) by a corporation, other than a corporation described in subsection 3*b*, that was at the time of acquisition of such right, licence or privilege a corporation described in subsection 3*b*,

the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

Idem

(4*d*) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation other than a corporation described in subsection 3*b* is subsequently disposed of,

(*a*) before the 23rd day of October, 1968, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the amount was received; or

(*b*) after the 22nd day of October, 1968, the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year. Idem

(4*e*) Subsections 4*c*, 4*ca*, and 4*d* do not apply to any disposition by a corporation of any right, licence or privilege described in subsection 4*b* or 4*c* unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4*b*.

(3) Subsection 4*f* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by inserting after "4*c*" in the first line "4*ca*". R.S.O. 1960, c. 73, s. 57, subs. 4*f* (1962-63, c. 26, s. 8, subs. 6), amended

16.—(1) Subsection 1 of section 60 of *The Corporations Tax Act*, as amended by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *d*, by striking out clause *e*, and by adding thereto the following clauses: R.S.O. 1960, c. 73, s. 60, subs. 1, amended

(*da*) where pursuant to subsection 4*ca* or 4*d* of section 57, an amount has been included in computing the corporation's income for the fiscal year or for a previous fiscal year in respect of the disposition after the 22nd day of October, 1968 of a right, licence or privilege described in that subsection and that amount or a part thereof is not receivable until a day that is after the end of the fiscal year, there may be deducted as a reserve in respect of that amount the part thereof that is not receivable until a day that is after the end of the fiscal year, and no deduction may be made in respect of that amount by virtue of clause *d;* and

(*e*) there shall be included the amounts deducted under clauses *c*, *d* and *da* in computing the income of the corporation for the immediately preceding fiscal year.

(2) Subsection 5 of the said section 60, as re-enacted by subsection 2 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 73, s. 60, subs. 5 (1961-62, c. 23, s. 20, subs. 2), repealed

R.S.O. 1960, c. 73, s. 60, amended

(3) The said section 60 is amended by adding thereto the following subsection:

Idem

(7*aa*) Clause *da* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year where the corporation, at any time in the fiscal year or in the immediately following fiscal year,

(*a*) ceases to have a permanent establishment in Canada;

(*b*) becomes exempt from tax under any provision of this Act; or

(*c*) if incorporated outside Canada ceases to be liable for the income taxes imposed under the Act.

R.S.O. 1960, c. 73, s. 64 (1966, c. 30, s. 10), re-enacted

17. Section 64 of *The Corporations Tax Act*, as re-enacted by section 10 of *The Corporations Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Special mortgage reserve

64. In computing the income for a fiscal year of a corporation whose business includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property,

(*a*) there shall be deducted and allowed as a reserve the same amount as is deducted and allowed for each fiscal year under clause *a* of section 85G of the *Income Tax Act* (Canada); and

R.S.C. 1952, c. 148

(*b*) there shall be included the same amount as is included for each fiscal year under clause *b* of section 85G of the *Income Tax Act* (Canada).

R.S.O. 1960, c. 73, amended

18. *The Corporations Tax Act* is amended by adding thereto the following section:

Acquisition of depreciable property

66*a*.—(1) Where in a fiscal year a corporation has acquired property in respect of which it is entitled to a deduction under regulations made under clause *a* of subsection 2 of section 22 in computing its income for that fiscal year, hereinafter in this section referred to as "depreciable property", if it so elects in a manner prescribed on or before the day on or before which it is required by section 71 to file its return of income for the year,

(*a*) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it; and

(*b*) the amount or the part of the amount, as the case may be, described in clause *a* shall be added to the capital cost to it of the depreciable property so acquired by it.

Borrowed money used for exploration, prospecting and development

(2) Where in a fiscal year a corporation has used borrowed money for the purpose of exploration, prospecting or development, and the expenses incurred by it in respect of the exploration, prospecting or development are deductible in computing its income for the fiscal year by virtue of section 57 or would be so deductible by virtue of that section if the corporation had sufficient income for the fiscal year to permit such a deduction to be made, if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year,

(*a*) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development; and

(*b*) the amount or the part of the amount, as the case may be, described in clause *a*

shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

Idem

(3) In computing the income of a corporation for a fiscal year, where the corporation,

(*a*) in any preceding fiscal year made an election under subsection 1 in respect of borrowed money used to acquire depreciable property or an amount payable for depreciable property acquired by it; and

(*b*) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it, and the said amount or part of the amount, as the case may be, shall be added to the capital cost to it of the depreciable property so acquired by it.

Idem

(4) In computing the income of a corporation for a fiscal year, where the corporation,

(*a*) in any preceding fiscal year made an election under subsection 2 in respect of borrowed money used for the purpose of exploration, prospecting or development; and

(*b*) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used for the exploration, prospecting and development,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development, and the said amount or part of the amount, as the case may be, shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

Reassessments

(5) Notwithstanding any other provision of this Act, where a corporation has made an election in accordance with the provisions of subsection 1 or 2, such reassessments of tax, interest or penalties shall be made as are necessary to give effect thereto.

Co-operative corporations

(6) This section does not apply to a co-operative corporation for the period during which it was exempt by section 48 from payment of tax under this Act.

R.S.O. 1960, c. 73, s. 76, subs. 4, re-enacted

19. Subsection 4 of section 76 of *The Corporations Tax Act*, as amended by subsection 3 of section 38 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Re-assessment

(4) The Minister may at any time assess tax, interest or penalties, or notify in writing any person by whom a return of income or other subject of tax for a fiscal year has been filed that no tax is payable for the fiscal year, and may,

(*a*) at any time, if the corporation or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or

(ii) has failed to file financial statements with the return required to be filed under section 71, or

(iii) has been negligent in supplying any information under this Act, or

(iv) has filed with the Minister a waiver in a prescribed form within six years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a fiscal year, or

(v) has claimed a deduction under section 51; and

(*b*) within six years from the day referred to in subclause iv of clause *a*, in any other case,

reassess or make additional assessments or assess tax, interest or penalties, as the circumstances require.

R.S.O. 1960, c. 73, amended

20. *The Corporations Tax Act* is amended by adding thereto the following section:

Time for laying information

89*a*. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

Application

21.—(1) Section 18 applies with respect to the 1968 and subsequent fiscal years.

Idem

(2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, and subsection 2 of section 16 apply with respect to the 1969 and subsequent fiscal years.

Idem

(3) Subsection 2 of section 2, section 4, subsection 2 of section 5, section 14 and section 19 apply with respect to the 1970 and subsequent fiscal years.

Idem

(4) Subsections 3, 4, 5 and 6 of section 28 of the Act, as enacted by section 7 of this Act, is applicable to an outlay or expense incurred in a fiscal year ending after October 22nd, 1968.

22. This Act comes into force on the day it receives Royal Assent. Commencement

23. This Act may be cited as *The Corporations Tax Amendment Act, 1970*. Short title

An Act to amend
The Corporations Tax Act

1st Reading

June 18th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

MR. WHITE

1970

BILL 160

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Agricultural Societies Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The objects of a society are enlarged.

SECTION 3. The amendment enlarges the authority of a society to exhibit farm products and extends the time for forwarding certain statements required by subsection 3 of section 11 of the Act.

BILL 160 **1970**

An Act to amend The Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Agricultural Societies Act* is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960, c. 11, s. 1, cl. *b*, amended

(2) Clause *d* of the said section 1 is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960, c. 11, s. 1, cl. *d*, amended

2.—(1) Clause *b* of subsection 1 of section 8 of *The Agricultural Societies Act* is amended by inserting after "premiums" in the second line "and exhibiting displays of farm products", so that the clause shall read as follows: R.S.O. 1960, c. 11, s. 8, subs. 1, cl. *b*, amended

(*b*) organizing and holding agricultural exhibitions and awarding premiums and exhibiting displays of farm products thereat.

(2) Subsection 1 of the said section 8 is amended by adding thereto the following clause: R.S.O. 1960, c. 11, s. 8, subs. 1, amended

(*g*) holding races or trials of speed for horses.

3. Subsection 3 of section 11 of *The Agricultural Societies Act* is amended by striking out "in the locality served by the society" in the second and third lines, and by striking out "one month" in the fifth line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows: R.S.O. 1960, c. 11, s. 11, subs. 3, amended

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition and such display or competition is approved by the Superintendent, the Statement as to competitions

officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Department a statement showing the particulars of the display or the competition, the number of entries, and the expenditures, including prizes awarded, in connection therewith.

R.S.O. 1960, c. 11, s. 21, re-enacted

4. Section 21 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

Power to expropriate land

21. Subject to the approval of the Minister, a society may expropriate land selected as a site for fairs and exhibitions or as an enlargement of an existing site, and approved therefor at a meeting of the society called for that purpose, in accordance with *The Expropriations Act, 1968-69*, and the provisions of that Act shall apply to any expropriation under this section.

1968-69, c. 36

R.S.O. 1960, c. 11, s. 24, subs. 2, amended

5.—(1) Subsection 2 of section 24 of *The Agricultural Societies Act* is amended by striking out "$500" in the seventeenth line and inserting in lieu thereof "$1,000", so that the subsection shall read as follows:

Allowance where gate receipts reduced

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society, that rain or snow fell at the place of holding an exhibition before 3 o'clock in the afternoon on any day during which the exhibition was held or that during the exhibition or within thirty days prior thereto one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, the society is entitled to receive a grant of not more than 90 per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, but no society shall in any year receive a grant in excess of $1,000 for any such loss in gate receipts.

R.S.O. 1960, c. 11, s. 24, subs. 3, amended

(2) Subsection 3 of the said section 24 is amended by striking out "$500" in the tenth line and inserting in lieu thereof "$1,000", so that the subsection shall read as follows:

SECTION 4. The authority of a society to expropriate land is re-enacted to give effect to *The Expropriations Act, 1968-69*.

SECTION 5—Subsections 1 and 2. The maximum grant payable to a society in respect of a reduction in gate receipts resulting from certain causes is increased from $500 to $1,000.

Subsection 3. Self-explanatory.

(3) In the event of a society that has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall receive a grant equal to 75 per cent of the difference between the gate receipts of the current year and those of the previous year, and, in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be 75 per cent of the difference between the gate receipts of that year and those of the average of the two previous years, but no society shall in any year receive a grant in excess of $1,000 for any such loss in gate receipts. Grant where gate receipts reduced owing to wet weather

(3) The said section 24, as amended by section 1 of *The Agricultural Societies Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 11, s. 24, amended

(4) Where the moneys appropriated by the Legislature are insufficient to pay the grants under subsections 2 and 3, the grants shall be decreased *pro rata*. Decrease in grants

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Agricultural Societies Amendment Act, 1970*. Short title

An Act to amend
The Agricultural
Societies Act

1st Reading

June 18th, 1970

2nd Reading

3rd Reading

MR. STEWART

1970

BILL 160

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Agricultural Societies Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 160 **1970**

An Act to amend The Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Agricultural Societies Act* is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960, c. 11, s. 1, cl. *b*, amended

(2) Clause *d* of the said section 1 is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960, c. 11, s. 1, cl. *d*, amended

2.—(1) Clause *b* of subsection 1 of section 8 of *The Agricultural Societies Act* is amended by inserting after "premiums" in the second line "and exhibiting displays of farm products", so that the clause shall read as follows: R.S.O. 1960, c. 11, s. 8, subs. 1, cl. *b*, amended

(*b*) organizing and holding agricultural exhibitions and awarding premiums and exhibiting displays of farm products thereat.

(2) Subsection 1 of the said section 8 is amended by adding thereto the following clause: R.S.O. 1960, c. 11, s. 8, subs. 1, amended

(*g*) holding races or trials of speed for horses.

3. Subsection 3 of section 11 of *The Agricultural Societies Act* is amended by striking out "in the locality served by the society" in the second and third lines, and by striking out "one month" in the fifth line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows: R.S.O. 1960, c. 11, s. 11, subs. 3, amended

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition and such display or competition is approved by the Superintendent, the Statement as to competitions

officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Department a statement showing the particulars of the display or the competition, the number of entries, and the expenditures, including prizes awarded, in connection therewith.

R.S.O. 1960, c. 11, s. 21, re-enacted

4. Section 21 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

Power to expropriate land

21. Subject to the approval of the Minister, a society may expropriate land selected as a site for fairs and exhibitions or as an enlargement of an existing site, and approved therefor at a meeting of the society called for that purpose, in accordance with *The Expropriations Act, 1968-69*, and the provisions of that Act shall apply to any expropriation under this section.

1968-69, c. 36

R.S.O. 1960, c. 11, s. 24, subs. 2, amended

5.—(1) Subsection 2 of section 24 of *The Agricultural Societies Act* is amended by striking out "$500" in the seventeenth line and inserting in lieu thereof "$1,000", so that the subsection shall read as follows:

Allowance where gate receipts reduced

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society, that rain or snow fell at the place of holding an exhibition before 3 o'clock in the afternoon on any day during which the exhibition was held or that during the exhibition or within thirty days prior thereto one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, the society is entitled to receive a grant of not more than 90 per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, but no society shall in any year receive a grant in excess of $1,000 for any such loss in gate receipts.

R.S.O. 1960, c. 11, s. 24, subs. 3, amended

(2) Subsection 3 of the said section 24 is amended by striking out "$500" in the tenth line and inserting in lieu thereof "$1,000", so that the subsection shall read as follows:

(3) In the event of a society that has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall receive a grant equal to 75 per cent of the difference between the gate receipts of the current year and those of the previous year, and, in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be 75 per cent of the difference between the gate receipts of that year and those of the average of the two previous years, but no society shall in any year receive a grant in excess of $1,000 for any such loss in gate receipts. Grant where gate receipts reduced owing to wet weather

(3) The said section 24, as amended by section 1 of *The Agricultural Societies Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 11, s. 24, amended

(4) Where the moneys appropriated by the Legislature are insufficient to pay the grants under subsections 2 and 3, the grants shall be decreased *pro rata*. Decrease in grants

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Agricultural Societies Amendment Act, 1970*. Short title

An Act to amend
The Agricultural
Societies Act

1st Reading

June 18th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. STEWART

1970

BILL 161

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Crop Insurance Act (Ontario), 1966

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The subsection added permits insurance coverage to be provided against loss arising from inability to seed land because of adverse weather conditions.

BILL 161 **1970**

An Act to amend The Crop Insurance Act (Ontario), 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crop Insurance Act (Ontario), 1966* is amended by adding thereto the following subsection: 1966, c. 34, s. 5, amended

(3) A plan may provide for insurance against loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations. Where seeding of land prevented

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Crop Insurance Amendment Act (Ontario), 1970.* Short title

An Act to amend
The Crop Insurance Act (Ontario), 1966

1st Reading
June 18th, 1970

2nd Reading

3rd Reading

MR. STEWART

1970

BILL 161

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Crop Insurance Act (Ontario), 1966

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 161 **1970**

An Act to amend The Crop Insurance Act (Ontario), 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Crop Insurance Act (Ontario), 1966* is amended by adding thereto the following subsection: 1966, c. 34, s. 5, amended

(3) A plan may provide for insurance against loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations. Where seeding of land prevented

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Crop Insurance Amendment Act (Ontario), 1970*. Short title

An Act to amend
The Crop Insurance Act (Ontario), 1966

1st Reading

June 18th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. STEWART

1970

BILL 162

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Planning Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The following principles are embodied in the re-enacted section 26, which deals generally with the matter of subdivision control:

1. All land in Ontario is subject to subdivision control and part-lot control; formerly areas of land subject to subdivision control and plans of subdivision subject to part-lot control were designated by municipal by-law or by order of the Minister.

2. The prohibition against conveying or mortgaging land except under the conditions specified, is enlarged to include a prohibition against granting, assigning or exercising a power of appointment with respect to land.

BILL 162 **1970**

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by section 6 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1966*, section 2 of *The Planning Amendment Act, 1968* and section 3 of *The Planning Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1, subs. 1), re-enacted

26.—(1) In this section, "consent" means, Interpretation

(*a*) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,

(i) a consent given by the committee of adjustment of such municipality under subsection 2*a* of section 32*b*, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 26*a*, or

(iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;

(*b*) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,

(i) a consent given by the committee of adjustment of such municipality under subsection 2*a* of section 32*b*, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or

(*c*) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision control

(2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(*a*) the land is described in accordance with and is within a registered plan of subdivision; or

(*b*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(*c*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(*d*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or 1964, c. 74

(*e*) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

(3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2. Designation of plans of subdivision not deemed registered

(4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless, Part-lot control

(*a*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(*b*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(*c*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

1964, c. 74

(*d*) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

Consent to lapse after one year

(5) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under subsection 19 of section 32*b*, unless within such period,

(*a*) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or

(*b*) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

Conveyance, etc., contrary to section not to create or convey interest in land

(6) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Copy of by-law to be lodged with Minister

(7) A certified copy or duplicate of every by-law passed under this section shall be lodged by the clerk of the municipality in the office of the Minister.

When by-law effective

(8) A by-law passed under this section is not effective until the requirements of subsections 9 and 10 have been complied with.

Copy of by-law to be registered

(9) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office.

Notice of by-law to be mailed to owners of affected land

(10) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under this section to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Matters to be regarded in determining consent, conditions

(11) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special account

(12) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

(13) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960, c. 296, amended

2. *The Planning Act* is amended by adding thereto the following sections:

Appointment of land division committee

26*a*.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpretation

(2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members and employees of county, etc., not eligible

(3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

Application of s. 32*a*, subss. 4-12, s. 32*b*, subss. 2*a*-19, by-law

(4) The provisions of subsections 4 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a

SECTION 2. 1. The new section 26*a* provides for the appointment by a county council or the council of a metropolitan, regional or district municipality of a land division committee empowered to grant consents for the purposes of section 26 of the Act in respect of land in those constituent municipalities that do not have a committee of adjustment, or in the case of a municipality that has constituted a committee of adjustment, where the council of the municipality has by by-law authorized the land division committee to grant such consents in its place.

2. The new section 26*b* provides that a committee of adjustment loses its jurisdiction to grant consents where,

(*a*) the municipality that constituted the committee does not have an official plan that is approved on or before December 31st, 1973; or

(*b*) the Minister, having formed the opinion the committee is not granting consents in the manner contemplated by the Act, so orders.

SECTION 3. Complementary to section 1 of the Bill.

by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days

(5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose.

When committee of adjustment ceases to have jurisdiction to grant consents

26*b*.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.

Idem

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.

R.S.O. 1960, c. 296, s. 27, subs. 1, cl. *b*, re-enacted

3.—(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

(*b*) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

R.S.O. 1960, c. 296, s. 27, subs. 3, re-enacted

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Notice

(3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960, c. 296, s. 32*a* (1961-62, c. 104, s. 8), subs. 12, re-enacted, subs. 13, repealed

4. Subsections 12 and 13 of section 32*a* of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Rules of procedure

(12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960, c. 296, s. 32*b*, subs. 2*a* (1964, c. 90, s. 6, subs. 1), re-enacted

5.—(1) Subsection 2*a* of section 32*b* of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Power of committee to give consent

(2*a*) In addition to its powers under subsections 1 and 2 and subject to section 26*a*, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960, c. 296, s. 32*b*, subss. 9*a*, 9*b*, (1966, c. 116, s. 5, subs. 2), repealed

(2) Subsection 9*a*, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9*b*, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32*b* are repealed.

R.S.O. 1960, c. 296 amended

6. *The Planning Act* is amended by adding thereto the following section:

Regulations

34*a*. The Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Planning Amendment Act, 1970*.

SECTION 4. Formerly the rules of procedure of each committee of adjustment were required to be approved by the Minister; provision is now made for the Minister to prescribe uniform rules for all committees.

SECTION 5—Subsection 1. Complementary to section 1 of the Bill.

Subsection 2. The provisions of the repealed subsections have been transferred to subsections 11 and 12 of section 26.

SECTION 6. Complementary to section 4 of the Bill.

An Act to amend
The Planning Act

1st Reading

June 18th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 162

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Planning Act

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The following principles are embodied in the re-enacted section 26, which deals generally with the matter of subdivision control:

1. All land in Ontario is subject to subdivision control and part-lot control; formerly areas of land subject to subdivision control and plans of subdivision subject to part-lot control were designated by municipal by-law or by order of the Minister.

2. The prohibition against conveying or mortgaging land except under the conditions specified, is enlarged to include a prohibition against granting, assigning or exercising a power of appointment with respect to land.

BILL 162 **1970**

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by section 6 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1966*, section 2 of *The Planning Amendment Act, 1968* and section 3 of *The Planning Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1, subs. 1), re-enacted

26.—(1) In this section, "consent" means, Interpretation

(*a*) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,

(i) a consent given by the committee of adjustment of such municipality under subsection *2a* of section *32b*, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section *26a*, or

(iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;

(*b*) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,

(i) a consent given by the committee of adjustment of such municipality under subsection 2*a* of section 32*b*, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or

(*c*) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision control

(2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(*a*) the land is described in accordance with and is within a registered plan of subdivision; or

(*b*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(*c*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(*d*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or 1964, c. 74

(*e*) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

(3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2. Designation of plans of subdivision not deemed registered

(4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless, Part-lot control

(*a*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(*b*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(*c*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

1964, c. 74

(*d*) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

Designation of plans of subdivision not subject to part-lot control

(5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and where the by-law is approved by the Minister subsection 4 ceases to apply to such land.

Consent to lapse after one year

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under

subsection 19 of section 32*b*, unless within such period,

(*a*) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or

(*b*) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

Conveyance, etc., contrary to section not to create or convey interest in land

(7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Copy of by-law to be lodged with Minister

(8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister.

When by-law effective

(9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with.

Copy of by-law to be registered

(10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office.

Notice of by-law to be mailed to owners of affected land

(11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Matters to be regarded in determining consent, conditions

(12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special account

(13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

(14) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960, c. 296, amended

2. *The Planning Act* is amended by adding thereto the following sections:

Appointment of land division committee

26*a*.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpretation

(2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members and employees of county, etc., not eligible

(3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

SECTION 2. 1. The new section 26*a* provides for the appointment by a county council or the council of a metropolitan, regional or district municipality of a land division committee empowered to grant consents for the purposes of section 26 of the Act in respect of land in those constituent municipalities that do not have a committee of adjustment, or in the case of a municipality that has constituted a committee of adjustment, where the council of the municipality has by by-law authorized the land division committee to grant such consents in its place.

2. The new section 26*b* provides that a committee of adjustment loses its jurisdiction to grant consents where,

(*a*) the municipality that constituted the committee does not have an official plan that is approved on or before December 31st, 1973; or

(*b*) the Minister, having formed the opinion the committee is not granting consents in the manner contemplated by the Act, so orders.

(4) The provisions of subsections 4 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved. Application of s. 32*a*, subss. 4-12, s. 32*b*, subss. 2*a*-19, by-law

(5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose. Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days

26*b*.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. When committee of adjustment ceases to have jurisdiction to grant consents

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. Idem

R.S.O. 1960, c. 296, s. 27, subs. 1, cl. *b*, re-enacted

3.—(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

(*b*) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

R.S.O. 1960, c. 296, s. 27, subs. 3, re-enacted

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Notice

(3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960, c. 296, s. 32*a* (1961-62, c. 104, s. 8), subs. 12, re-enacted, subs. 13, repealed

4. Subsections 12 and 13 of section 32*a* of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Rules of procedure

(12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960, c. 296, s. 32*b*, subs. 2*a* (1964, c. 90, s. 6, subs. 1), re-enacted

5.—(1) Subsection 2*a* of section 32*b* of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Power of committee to give consent

(2*a*) In addition to its powers under subsections 1 and 2 and subject to section 26*a*, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960, c. 296, s. 32*b*, subss. 9*a*, 9*b* (1966, c. 116, s. 5, subs. 2), repealed

(2) Subsection 9*a*, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9*b*, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32*b* are repealed.

SECTION 3. Complementary to section 1 of the Bill.

SECTION 4. Formerly the rules of procedure of each committee of adjustment were required to be approved by the Minister; provision is now made for the Minister to prescribe uniform rules for all committees.

SECTION 5—Subsection 1. Complementary to section 1 of the Bill.

Subsection 2. The provisions of the repealed subsections have been transferred to subsections 11 and 12 of section 26.

SECTION 6. Complementary to section 4 of the Bill.

6. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960, c. 296 amended

34*a*. The Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act. Regulations

7. This Act comes into force on the day following the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Planning Amendment Act, 1970*. Short title

An Act to amend
The Planning Act

1st Reading

June 18th, 1970

2nd Reading

June 25th, 1970

3rd Reading

MR. MCKEOUGH

(*Reprinted as amended by the Committee of the Whole House*)

1970

BILL 162

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Planning Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 162 **1970**

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by section 6 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1966*, section 2 of *The Planning Amendment Act, 1968* and section 3 of *The Planning Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1, subs. 1), re-enacted

26.—(1) In this section, "consent" means, Interpretation

(*a*) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,

(i) a consent given by the committee of adjustment of such municipality under subsection 2*a* of section 32*b*, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 26*a*, or

(iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;

(*b*) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a muncipality in a territorial district,

(i) a consent given by the committee of adjustment of such municipality under subsection 2*a* of section 32*b*, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, or

(ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or

(*c*) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision control

(2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(*a*) the land is described in accordance with and is within a registered plan of subdivision; or

(*b*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(*c*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(*d*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or 1964, c. 74

(*e*) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

Designation of plans of subdivision not deemed registered

(3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2.

Part-lot control

(4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(*a*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

(*b*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or

(*c*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

1964, c. 74

(*d*) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

Designation of plans of subdivision not subject to part-lot control

(5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and where the by-law is approved by the Minister subsection 4 ceases to apply to such land.

Consent to lapse after one year

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under

subsection 19 of section 32*b*, unless within such period,

(*a*) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or

(*b*) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

Conveyance, etc., contrary to section not to create or convey interest in land

(7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Copy of by-law to be lodged with Minister

(8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister.

When by-law effective

(9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with.

Copy of by-law to be registered

(10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office.

Notice of by-law to be mailed to owners of affected land

(11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Matters to be regarded in determining consent, conditions

(12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special account

(13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

(14) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960, c. 296, amended

2. *The Planning Act* is amended by adding thereto the following sections:

Appointment of land division committee

26*a*.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970 the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpretation

(2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members and employees of county, etc., not eligible

(3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

(4) The provisions of subsections 4 to 12 of section 32*a* and subsections 2*a* to 19 of section 32*b* apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970 if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved. Application of s. 32*a*, subss. 4-12, s. 32*b*, subss. 2*a*-19, by-law

(5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose. Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days

26*b*.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. When committee of adjustment ceases to have jurisdiction to grant consents

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. Idem

R.S.O. 1960, c. 296, s. 27, subs. 1, cl. *b*, re-enacted

3.—(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

(*b*) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

R.S.O. 1960, c. 296, s. 27, subs. 3, re-enacted

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Notice

(3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960, c. 296, s. 32*a* (1961-62, c. 104, s. 8), subs. 12, re-enacted, subs. 13, repealed

4. Subsections 12 and 13 of section 32*a* of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Rules of procedure

(12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960, c. 296, s. 32*b*, subs. 2*a* (1964, c. 90, s. 6, subs. 1), re-enacted

5.—(1) Subsection 2*a* of section 32*b* of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

Power of committee to give consent

(2*a*) In addition to its powers under subsections 1 and 2 and subject to section 26*a*, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960, c. 296, s. 32*b*, subss. 9*a*, 9*b* (1966, c. 116, s. 5, subs. 2), repealed

(2) Subsection 9*a*, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9*b*, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32*b* are repealed.

6. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960, c. 296 amended

34*a*. The Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act. Regulations

7. This Act comes into force on the day following the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Planning Amendment Act, 1970*. Short title

An Act to amend
The Planning Act

1st Reading

June 18th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 26th, 1970

MR. MCKEOUGH

1970

BILL 163

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Motorized Snow Vehicles Act, 1968

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The new section extends the authority of a municipality to regulate, govern and prohibit the operation of motorized snow vehicles within the municipality.

BILL 163 **1970**

An Act to amend The Motorized Snow Vehicles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Motorized Snow Vehicles Act, 1968* is repealed. 1968, c. 75, s. 1, cl. *e*, repealed

2. Section 6 of *The Motorized Snow Vehicles Act, 1968* is repealed and the following substituted therefor: 1968, c. 75, s. 6, re-enacted

6.—(1) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. Local municipality may pass by-laws

(2) Where a by-law is passed under subsection 1, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. Application of subsection 1

(3) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. County or municipalities may pass by-laws

(4) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county, district, metropolitan or regional municipality by a by-law passed under subsection 1, the council of such municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across such highway or any part thereof. County or municipalities may pass prohibiting by-laws

Application of R.S.O. 1960, c. 249

(5) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

1968, c. 75, s. 7, amended

3. Section 7 of *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following subsections:

Driver on a highway to hold operator's or chauffeur's licence R.S.O. 1960, c. 172

(3) Where the operation of a motorized snow vehicle is permitted on a highway under this Act, no person shall drive a motorized snow vehicle on a highway, unless he holds an operator's or chauffeur's licence issued under the authority of *The Highway Traffic Act*.

Exception to sub-section 3

(4) Subsection 3 does not apply to any person who is,

(*a*) a resident of any other province of Canada; or

(*b*) a resident of any other country or state,

and who has complied with the laws of the province, country or state in which he resides as to the licensing of drivers of motorized snow vehicles and provided the province, country or state grants similar exemptions and privileges with respect to the drivers of motorized snow vehicles.

Owner not to permit unauthorized driver

(5) No person who is the owner or in possession or control of a motorized snow vehicle shall permit any person who is not the holder of a chauffeur's licence or operator's licence to operate or drive the motorized snow vehicle on a highway.

1968, c. 75 amended

4. *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following sections:

Reporting of collision

9*a*.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property of any person, other than the owner or driver, apparently exceeding $200 report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect to,

(*a*) the names and addresses of the persons involved;

(*b*) the date and location of the occurrence; and

(*c*) the circumstances under which the collision occurred.

SECTION 3. The amendment requires a driver to be licensed as an operator or chauffeur under *The Highway Traffic Act* when operating a motorized snow vehicle on a highway where such operation is permitted.

SECTION 4. The amendment requires the reporting of a collision in respect of damage to property or injury to any person, other than the owner or driver, apparently exceeding $200.

The amendment also makes the owner as well as the driver liable for infractions under the Act similar to subsection 1 of section 148 of *The Highway Traffic Act* respecting motor vehicles.

(2) A police officer receiving a report of a collision as required by this section, shall forward such report to the Registrar of Motor Vehicles within ten days of its receipt. Disposition of report

9*b*. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or of any regulation or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. Owner and driver liable for penalties

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1970*. Short title

An Act to amend
The Motorized Snow Vehicles Act, 1968

1st Reading

June 19th, 1970

2nd Reading

3rd Reading

MR. HASKETT

1970

BILL 163

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Motorized Snow Vehicles Act, 1968

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 163 **1970**

An Act to amend The Motorized Snow Vehicles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Motorized Snow Vehicles Act, 1968* is repealed. 1968, c. 75, s. 1, cl. *e*, repealed

2. Section 6 of *The Motorized Snow Vehicles Act, 1968* is repealed and the following substituted therefor: 1968, c. 75, s. 6, re-enacted

6.—(1) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. Local municipality may pass by-laws

(2) Where a by-law is passed under subsection 1, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. Application of subsection 1

(3) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. County or municipalities may pass by-laws

(4) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county, district, metropolitan or regional municipality by a by-law passed under subsection 1, the council of such municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across such highway or any part thereof. County or municipalities may pass prohibiting by-laws

Application of R.S.O. 1960, c. 249

(5) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

1968, c. 75, s. 7, amended

3. Section 7 of *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following subsections:

Driver on a highway to hold operator's or chauffeur's licence R.S.O. 1960, c. 172

(3) Where the operation of a motorized snow vehicle is permitted on a highway under this Act, no person shall drive a motorized snow vehicle on a highway, unless he holds an operator's or chauffeur's licence issued under the authority of *The Highway Traffic Act*.

Exception to sub-section 3

(4) Subsection 3 does not apply to any person who is,

(*a*) a resident of any other province of Canada; or

(*b*) a resident of any other country or state,

and who has complied with the laws of the province, country or state in which he resides as to the licensing of drivers of motorized snow vehicles and provided the province, country or state grants similar exemptions and privileges with respect to the drivers of motorized snow vehicles.

Owner not to permit unauthorized driver

(5) No person who is the owner or in possession or control of a motorized snow vehicle shall permit any person who is not the holder of a chauffeur's licence or operator's licence to operate or drive the motorized snow vehicle on a highway.

1968, c. 75 amended

4. *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following sections:

Reporting of collision

9*a*.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property of any person, other than the owner or driver, apparently exceeding $200 report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect to,

(*a*) the names and addresses of the persons involved;

(*b*) the date and location of the occurrence; and

(*c*) the circumstances under which the collision occurred.

(2) A police officer receiving a report of a collision as required by this section, shall forward such report to the Registrar of Motor Vehicles within ten days of its receipt. Disposition of report

9*b*. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or of any regulation or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. Owner and driver liable for penalties

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1970*. Short title



An Act to amend
The Motorized Snow Vehicles Act, 1968

1st Reading

June 19th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 26th, 1970

MR. HASKETT

1970

BILL 164

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Complementary to section 7 of this Bill.

Section 2. The new section prohibits the sale in Ontario by a dealer of vehicles that do not conform to the federal standards.

Section 3. Weight on three-axle semi-trailers, etc., is increased from 32,000 to 42,000 pounds.

BILL 164 **1970**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Highway Traffic Act* is amended by striking out "and there is filed proof of financial responsibility under section 111" in the second and third lines, so that the section shall read as follows: R.S.O. 1960, c. 172, s. 28, amended

28. If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply unless the conviction is sustained on appeal. Suspension on appeal

2. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

51*b*. No person who deals in motor vehicles shall sell or offer to sell a motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada), and bears the National Safety Mark referred to therein. Sale of vehicles that do not conform to federal standards prohibited 1969-70, c. ...

3.—(1) Paragraph 6 of subsection 2 of section 52 of *The Highway Traffic Act*, as enacted by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "32,000" in the fourth line and inserting in lieu thereof "42,000", so that the paragraph shall read as follows: R.S.O. 1960, c. 172, s. 52, subs. 2, par. 6 (1960-61, c. 34, s. 6, subs. 5), amended

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 42,000 pounds. As to weight of three-axle semi-trailers, etc.

R.S.O. 1960, c. 172, s. 52, subs. 2*a* (1966, c. 64, s. 11, subs. 2), repealed

(2) Subsection 2*a* of the said section 52, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966* and amended by section 7 of *The Highway Traffic Amendment Act, 1967* and section 13 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 172, s. 53, subs. 1, amended

4.—(1) Subsection 1 of section 53 of *The Highway Traffic Act* is amended by adding at the end thereof "or Part XVI", so that the subsection shall read as follows:

Permits

(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 52 or 58 or Part XVI.

R.S.O. 1960, c. 172, s. 53, subs. 6 (1968-69, c. 45, s. 38), re-enacted

(2) Subsection 6 of the said section 53, as re-enacted by section 38 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section or clause *a* of section 162 in respect of any excess axle unit weight as if no special permit had been issued.

R.S.O. 1960, c. 172, s. 70, amended

5. Section 70 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Symbols

(13*a*) The "walk", "wait" and "don't walk" pedestrian control signals referred to in subsection 13 may be shown by symbols as prescribed by the regulations.

R.S.O. 1960, c. 172, amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Air cushioned vehicles prohibited on highways

100*d*. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway.

R.S.O. 1960, c. 172, Pt. XII (ss. 109-127), re-enacted

7. Part XII of *The Highway Traffic Act*, as amended by section 14 of *The Highway Traffic Amendment Act, 1961-62*, section 16 of *The Highway Traffic Amendment Act, 1962-63*,

SECTION 4—Subsection 1. The provision is amended to refer to the new Part XVI.

Subsection 2. The subsection is revised to provide a penalty for an axle unit overload on a vehicle operating under a special permit.

SECTION 5. The amendment authorizes the use of symbols for pedestrian control signals.

SECTION 6. Self-explanatory.

SECTION 7. Part XII is revised to delete the provisions with respect to suspensions for failure to file proof of financial responsibility.

sections 14 and 15 of *The Highway Traffic Amendment Act, 1964*, sections 13 and 14 of *The Highway Traffic Amendment Act, 1965* and sections 67 and 68 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

PART XII

SUSPENSION FOR FAILURE TO PAY JUDGMENTS

Interpretation

109. In this Part,

(*a*) "driver's licence" means an operator's or a chauffeur's licence issued pursuant to this Act;

(*b*) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1.

Notice of suspension

110. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended.

Licence suspended for failure to pay judgment

111.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies.

R.S.O. 1960, c. 190

Application where person indebted to Fund

(2) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Payment of judgments in instalments

(3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection 1, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal effect of subsection 1 with states having similar legislation

(4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state.

R.S.O. 1960, c. 172, s. 146, cl. *c*, subcl. v, repealed

8. Subclause v of clause *c* of section 146 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, amended

9. *The Highway Traffic Act* is amended by adding thereto the following Part:

PART XVI

AXLE WEIGHTS

Interpretation

160.—(1) In this Part,

(*a*) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane;

(*b*) "axle group" means an assemblage of any two or more consecutive axle units considered together in determining their combined load effect;

(*c*) "axle group weight" means the total weight transmitted to the highway by an axle group;

SECTION 8. Complementary to section 7 of this Bill.

SECTION 9. This Part introduces a new principle in determining maximum weights for commercial vehicles by the application of the "bridge formula".

(*d*) "axle unit" means any single axle, dual axle or triple axle;

(*e*) "axle unit weight" means the total weight transmitted to the highway by an axle unit;

(*f*) "Class A Highway" means a highway designated as such by the Minister;

(*g*) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;

(*h*) "dual axle" means any two consecutive axles, whose centres are more than 40 inches but less than 96 inches apart, articulated from a common attachment to the vehicle and designed to equalize the load between axles;

(*i*) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 40 inches apart;

(*j*) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches but less than 96 inches apart, articulated from an attachment to the vehicle common to consecutive axles and designed to equalize the load between axles.

Spacing between axles

(2) The spacing between axles is the shortest distance between the centre of rotation of one axle and the centre of rotation of the other.

Idem

(3) For the purposes of Table 2, the axle spacing is the distance measured between the outer axles forming an axle unit.

Restrictions as to weight on tires

161.—(1) No vehicle, object or contrivance for moving loads that is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway the weight of which or the gross weight of which exceeds 500 pounds upon any inch in width of tire roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53.

How width ascertained

(2) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer.

Restriction on weight of axles

162. Subject to the provisions of section 53,

prescribed by the regulations on Class A Highway

(*a*) no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle unit weight or axle group weight exceeds that prescribed in the regulations for such vehicle or combination of vehicles or as permitted by temporary authority issued pursuant to clause *b*;

temporary authority

(*b*) where the regulations do not prescribe the axle unit weights and axle group weights in respect of a particular vehicle or combination of vehicles, the owner may apply to the Department for a temporary authority permitting the operation of the vehicle or combination of vehicles on a highway in accordance with section 163;

prescribed by temporary authority

(*c*) no vehicle or combination of vehicles shall be operated on a highway where the axle spacing of such vehicle or combination of vehicles are not prescribed in the regulations or the owner is not the holder of the temporary authority issued pursuant to clause *b*; and

production of temporary authority

(*d*) the temporary authority issued pursuant to clause *b* or a true copy thereof, shall whenever the vehicle or combination of vehicles is on a highway be carried by the driver thereof or placed in some readily accessible position and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act.*

R.S.O. 1960, c. 319

Maximum allowable axle unit weights

163—(1) The maximum allowable axle unit weight shall be,

(*a*) for a single axle, 20,000 pounds;

(*b*) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1;

(*c*) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

(2) The axle unit weights and axle group weights used in respect of a temporary authority issued under clause *b* of section 162 shall be based on the lesser of the maximum axle unit weight referred to in subsection 1 and that derived from the application of the following formula: Application of formula

$$W_m = 20 + 2.07\,B_m - 0.0071\,B_m^2.$$

where: $B_m = Kb$

W_m is the axle group weight limit

B_m is the equivalent base length of the axle group

b is the base length, being the distance between the extreme axle of an axle group

K is a parameter as defined by the equation

$$K = \frac{4\sum_{i=1}^{N} P_i|x_i|}{b\sum_{i=1}^{N} P_i} - \frac{2\,(N-1)}{N} \times \left(\frac{\sum_{i=1}^{N} P_i x_i}{b\sum_{i=1}^{N} P_i} \right)^2$$

where:

N is the number of axles in an axle group (count 2 for dual-axle and 3 for a triple axle)

P_i is the weight of any individual axle

P_m is the weight of the axle closest to the centre of gravity of the axle group load

x_i is the distance of an axle load P_i from the axle load P_m. This distance is to be taken as positive when measured right of P_m, and negative when measured left of P_m.

$|x_i|$ is the absolute value of the distance x_i.

164.—(1) During freeze-up the maximum weight for a vehicle or combination of vehicles while carrying raw forest products only shall be one hundred and ten per cent of that weight for which the vehicle or combination of vehicles is registered provided no axle unit weight exceeds by more than ten per cent that weight prescribed in the regulations or temporary authority issued pursuant to clause *b* of section 162 for such vehicle or combination of vehicles. Raw forest products allowance during freeze-up

Definition

(2) For the purpose of this section, "freeze-up" shall be such period of time as designated by the Minister.

Restriction

(3) No vehicle or combination of vehicles shall be operated on a highway in excess of the weight limits authorized in subsection 1.

Restriction as to Class B Highway

165. Unless a special permit has been issued pursuant to section 53, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds and if the axles are spaced less than eight feet apart, the weight on one axle shall not exceed 12,000 pounds.

Prohibition as to carrying load in excess of permit

166.—(1) No vehicle or combination of vehicles having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit and for which the fee therefor was estimated.

Production of permit

(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1960, c. 319

Exception

(3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.

Weight of load during March or April

(4) During the months of March and April, commercial motor vehicles and trailers, other than public vehicles operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 10,000 pounds without obtaining a permit as provided by section 53.

Idem

(5) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be

applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

Penalty

(6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 169 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid.

Application to city or separated town

(7) The council of a city or separated town may, by by-law declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town.

Extension of period by municipality

(8) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 do not apply to any or all highways under its jurisdiction; but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister.

Extension of period on King's Highway, etc.

(9) In the case of King's Highways and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year.

Power of officer to have load weighed

167.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reasons to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scale if they are within a distance of 10 miles, and where it is found that the vehicle is carrying an excessive

load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

Measure of axle spacing

(2) To determine whether the weight of the vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, the constable or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Penalty

(3) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

Production of inventory

(4) When a weighing machine capable of weighing a vehicle is distant more than 10 miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

Penalty

(5) Every person who contravenes any of the provisions of subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

Regulations

168. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing by charts and tables the weights in accordance with the provisions of section 163 that may be transmitted to the highway by an axle unit, axle group, vehicle or combination of vehicles;

(*b*) prescribing tolerances with respect to axle unit weights;

(*c*) prescribing markings to be placed on vehicles respecting vehicle registration and weights.

Penalty

169.—(1) Every person who contravenes any of the provisions of subsection 1 of section 161, clause *a* of

section 162, subsection 3 of section 164 or section 165 is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) 50 cents per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is less than 5,000 pounds;

(*b*) $1 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 5,000 pounds or more but is less than 10,000 pounds;

(*c*) $2 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 10,000 pounds or more but is less than 15,000 pounds;

(*d*) $3 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 15,000 pounds or more but is less than 20,000 pounds;

(*e*) $4 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 20,000 pounds or more but is less than 30,000 pounds; and

(*f*) $5 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 30,000 pounds or more.

Idem

(2) Every person who contravenes clause *c* of section 162 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500.

Idem

(3) Every person who contravenes clause *d* of section 162 is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $50.

Application of Part VI or XVI after March 1st, 1971

170.—(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles may be operated on a highway only in

accordance with and subject to the provisions of this Part and section 53 or Part VI.

Part VI not to apply after March 31st, 1976

(2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 48	32,000
48	35,000
51	35,500
54	36,000
57	36,500
60	37,500
63	38,000
66	38,500
69	39,000
72	40,000

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE-AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 96	40,000
96	44,000
108	44,000
111	44,500
114	45,000
117	45,500
120	46,000
123	46,500
126	47,500
129	48,000

TABLE 2—*Continued*

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
132	49,000
135	49,500
138	50,000
141	50,500
144	51,000
147	51,500
150	52,500
153	53,000
156	54,000
159	54,500
162	55,000
165	55,500
168	56,000
171	56,500
174	57,000
177	57,500
180	58,500
183	59,000
186	59,500
189	59,500
192	60,000

10.—(1) This Act, except sections 1, 2, 4, 7, 8 and 9, comes into force on the day it receives Royal Assent Commencement

(2) Sections 1, 7 and 8 come into force on the 1st day of December, 1970. Idem

(3) Subsection 1 of section 4 and section 9 come into force on the 1st day of March, 1971. Idem

(4) Subsection 2 of section 4 comes into force on the 1st day of April, 1971. Idem

(5) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Highway Traffic Amendment Act, 1970*. Short title

1st Reading

June 19th, 1970

2nd Reading

3rd Reading

Mr. Haskett

1970

BILL 164

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 164 **1970**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Highway Traffic Act* is amended by striking out "and there is filed proof of financial responsibility under section 111" in the second and third lines, so that the section shall read as follows: R.S.O. 1960, c. 172, s. 28, amended

28. If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply unless the conviction is sustained on appeal. Suspension on appeal

2. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

51*b*. No person who deals in motor vehicles shall sell or offer to sell a motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada), and bears the National Safety Mark referred to therein. Sale of vehicles that do not conform to federal standards prohibited 1969-70, c. . . .

3.—(1) Paragraph 6 of subsection 2 of section 52 of *The Highway Traffic Act*, as enacted by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "32,000" in the fourth line and inserting in lieu thereof "42,000", so that the paragraph shall read as follows: R.S.O. 1960, c. 172, s. 52, subs. 2, par. 6 (1960-61, c. 34, s. 6, subs. 5), amended

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 42,000 pounds. As to weight of three-axle semi-trailers, etc.

R.S.O. 1960, c. 172, s. 52, subs. 2*a* (1966, c. 64, s. 11, subs. 2), repealed

(2) Subsection 2*a* of the said section 52, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966* and amended by section 7 of *The Highway Traffic Amendment Act, 1967* and section 13 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 172, s. 53, subs. 1, amended

4.—(1) Subsection 1 of section 53 of *The Highway Traffic Act* is amended by adding at the end thereof "or Part XVI", so that the subsection shall read as follows:

Permits

(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 52 or 58 or Part XVI.

R.S.O. 1960, c. 172, s. 53, subs. 6 (1968-69, c. 45, s. 38), re-enacted

(2) Subsection 6 of the said section 53, as re-enacted by section 38 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section or clause *a* of section 162 in respect of any excess axle unit weight as if no special permit had been issued.

R.S.O. 1960, c. 172, s. 70, amended

5. Section 70 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Symbols

(13*a*) The "walk", "wait" and "don't walk" pedestrian control signals referred to in subsection 13 may be shown by symbols as prescribed by the regulations.

R.S.O. 1960, c. 172, amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Air cushioned vehicles prohibited on highways

100*d*. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway.

R.S.O. 1960, c. 172, Pt. XII (ss. 109-127), re-enacted

7. Part XII of *The Highway Traffic Act*, as amended by section 14 of *The Highway Traffic Amendment Act, 1961-62*, section 16 of *The Highway Traffic Amendment Act, 1962-63*,

sections 14 and 15 of *The Highway Traffic Amendment Act, 1964*, sections 13 and 14 of *The Highway Traffic Amendment Act, 1965* and sections 67 and 68 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

PART XII

SUSPENSION FOR FAILURE TO PAY JUDGMENTS

Interpretation

109. In this Part,

(*a*) "driver's licence" means an operator's or a chauffeur's licence issued pursuant to this Act;

(*b*) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1.

Notice of suspension

110. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended.

Licence suspended for failure to pay judgment

111.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies.

R.S.O. 1960, c. 190

Application where person indebted to Fund

(2) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Payment of judgments in instalments

(3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection 1, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal effect of subsection 1 with states having similar legislation

(4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state.

R.S.O. 1960, c. 172, s. 146, cl. *c*, subcl. v, repealed

8. Subclause v of clause *c* of section 146 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, amended

9. *The Highway Traffic Act* is amended by adding thereto the following Part:

PART XVI

AXLE WEIGHTS

Interpretation

160.—(1) In this Part,

(*a*) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane;

(*b*) "axle group" means an assemblage of any two or more consecutive axle units considered together in determining their combined load effect;

(*c*) "axle group weight" means the total weight transmitted to the highway by an axle group;

(*d*) "axle unit" means any single axle, dual axle or triple axle;

(*e*) "axle unit weight" means the total weight transmitted to the highway by an axle unit;

(*f*) "Class A Highway" means a highway designated as such by the Minister;

(*g*) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;

(*h*) "dual axle" means any two consecutive axles, whose centres are more than 40 inches but less than 96 inches apart, articulated from a common attachment to the vehicle and designed to equalize the load between axles;

(*i*) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 40 inches apart;

(*j*) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches but less than 96 inches apart, articulated from an attachment to the vehicle common to consecutive axles and designed to equalize the load between axles.

Spacing between axles

(2) The spacing between axles is the shortest distance between the centre of rotation of one axle and the centre of rotation of the other.

Idem

(3) For the purposes of Table 2, the axle spacing is the distance measured between the outer axles forming an axle unit.

Restrictions as to weight on tires

161.—(1) No vehicle, object or contrivance for moving loads that is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway the weight of which or the gross weight of which exceeds 500 pounds upon any inch in width of tire roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53.

How width ascertained

(2) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer.

Restriction on weight of axles

162. Subject to the provisions of section 53,

prescribed by the regulations on Class A Highway

(*a*) no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle unit weight or axle group weight exceeds that prescribed in the regulations for such vehicle or combination of vehicles or as permitted by temporary authority issued pursuant to clause *b*;

temporary authority

(*b*) where the regulations do not prescribe the axle unit weights and axle group weights in respect of a particular vehicle or combination of vehicles, the owner may apply to the Department for a temporary authority permitting the operation of the vehicle or combination of vehicles on a highway in accordance with section 163;

prescribed by temporary authority

(*c*) no vehicle or combination of vehicles shall be operated on a highway where the axle spacing of such vehicle or combination of vehicles are not prescribed in the regulations or the owner is not the holder of the temporary authority issued pursuant to clause *b*; and

production of temporary authority

(*d*) the temporary authority issued pursuant to clause *b* or a true copy thereof, shall whenever the vehicle or combination of vehicles is on a highway be carried by the driver thereof or placed in some readily accessible position and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act.*

R.S.O. 1960, c. 319

Maximum allowable axle unit weights

163—(1) The maximum allowable axle unit weight shall be,

(*a*) for a single axle, 20,000 pounds;

(*b*) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1;

(*c*) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

(2) The axle unit weights and axle group weights used in respect of a temporary authority issued under clause *b* of section 162 shall be based on the lesser of the maximum axle unit weight referred to in subsection 1 and that derived from the application of the following formula: Application of formula

$$W_m = 20 + 2.07\,B_m - 0.0071\,B_m^2.$$

where: $B_m = Kb$

W_m is the axle group weight limit

B_m is the equivalent base length of the axle group

b is the base length, being the distance between the extreme axle of an axle group

K is a parameter as defined by the equation

$$K = \frac{4\sum_{i=1}^{N} P_i|x_i|}{b\sum_{i=1}^{N} P_i} - 2\,\frac{(N-1)}{N} \times \left(\frac{\sum_{i=1}^{N} P_i x_i}{b\sum_{i=1}^{N} P_i}\right)^2$$

where:

N is the number of axles in an axle group (count 2 for dual-axle and 3 for a triple axle)

P_i is the weight of any individual axle

P_m is the weight of the axle closest to the centre of gravity of the axle group load

x_i is the distance of an axle load P_i from the axle load P_m. This distance is to be taken as positive when measured right of P_m, and negative when measured left of P_m.

$|x_i|$ is the absolute value of the distance x_i.

164.—(1) During freeze-up the maximum weight for a vehicle or combination of vehicles while carrying raw forest products only shall be one hundred and ten per cent of that weight for which the vehicle or combination of vehicles is registered provided no axle unit weight exceeds by more than ten per cent that weight prescribed in the regulations or temporary authority issued pursuant to clause *b* of section 162 for such vehicle or combination of vehicles. Raw forest products allowance during freeze-up

Definition

(2) For the purpose of this section, "freeze-up" shall be such period of time as designated by the Minister.

Restriction

(3) No vehicle or combination of vehicles shall be operated on a highway in excess of the weight limits authorized in subsection 1.

Restriction as to Class B Highway

165. Unless a special permit has been issued pursuant to section 53, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds and if the axles are spaced less than eight feet apart, the weight on one axle shall not exceed 12,000 pounds.

Prohibition as to carrying load in excess of permit

166.—(1) No vehicle or combination of vehicles having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit and for which the fee therefor was estimated.

Production of permit

(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1960, c. 319

Exception

(3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.

Weight of load during March or April

(4) During the months of March and April, commercial motor vehicles and trailers, other than public vehicles operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 10,000 pounds without obtaining a permit as provided by section 53.

Idem

(5) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be

applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

Penalty

(6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 169 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid.

Application to city or separated town

(7) The council of a city or separated town may, by by-law declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town.

Extension of period by municipality

(8) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 do not apply to any or all highways under its jurisdiction; but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister.

Extension of period on King's Highway, etc.

(9) In the case of King's Highways and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year.

Power of officer to have load weighed

167.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reasons to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scale if they are within a distance of 10 miles, and where it is found that the vehicle is carrying an excessive

load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

Measure of axle spacing

(2) To determine whether the weight of the vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, the constable or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Penalty

(3) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

Production of inventory

(4) When a weighing machine capable of weighing a vehicle is distant more than 10 miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

Penalty

(5) Every person who contravenes any of the provisions of subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

Regulations

168. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing by charts and tables the weights in accordance with the provisions of section 163 that may be transmitted to the highway by an axle unit, axle group, vehicle or combination of vehicles;

(*b*) prescribing tolerances with respect to axle unit weights;

(*c*) prescribing markings to be placed on vehicles respecting vehicle registration and weights.

Penalty

169.—(1) Every person who contravenes any of the provisions of subsection 1 of section 161, clause *a* of

section 162, subsection 3 of section 164 or section 165 is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) 50 cents per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is less than 5,000 pounds;

(*b*) $1 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 5,000 pounds or more but is less than 10,000 pounds;

(*c*) $2 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 10,000 pounds or more but is less than 15,000 pounds;

(*d*) $3 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 15,000 pounds or more but is less than 20,000 pounds;

(*e*) $4 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 20,000 pounds or more but is less than 30,000 pounds; and

(*f*) $5 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 30,000 pounds or more.

Idem

(2) Every person who contravenes clause *c* of section 162 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500.

Idem

(3) Every person who contravenes clause *d* of section 162 is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $50.

Application of Part VI or XVI after March 1st, 1971

170.—(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles may be operated on a highway only in

accordance with and subject to the provisions of this Part and section 53 or Part VI.

Part VI not to apply after March 31st, 1976

(2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 48	32,000
48	35,000
51	35,500
54	36,000
57	36,500
60	37,500
63	38,000
66	38,500
69	39,000
72	40,000

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE-AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 96	40,000
96	44,000
108	44,000
111	44,500
114	45,000
117	45,500
120	46,000
123	46,500
126	47,500
129	48,000

TABLE 2—*Continued*

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
132	49,000
135	49,500
138	50,000
141	50,500
144	51,000
147	51,500
150	52,500
153	53,000
156	54,000
159	54,500
162	55,000
165	55,500
168	56,000
171	56,500
174	57,000
177	57,500
180	58,500
183	59,000
186	59,500
189	59,500
192	60,000

10.—(1) This Act, except sections 1, 2, 4, 7, 8 and 9, comes into force on the day it receives Royal Assent Commencement

(2) Sections 1, 7 and 8 come into force on the 1st day of December, 1970. Idem

(3) Subsection 1 of section 4 and section 9 come into force on the 1st day of March, 1971. Idem

(4) Subsection 2 of section 4 comes into force on the 1st day of April, 1971. Idem

(5) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Highway Traffic Amendment Act, 1970.* Short title

An Act to amend
The Highway Traffic Act

1st Reading

June 19th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. HASKETT

1970

BILL 165

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Municipal Improvement Corporation Act

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The up-to-date definition of "Treasurer" is added for convenience of reference.

Sections 2 and 3. The major amendments contained in these sections broaden the objects of the Corporation to permit it to purchase the debentures of any municipality having a population under 20,000 for any municipal purpose as well as those of any municipality having a population over 20,000 for any of the specified types of municipal works and undertakings.

These amendments also provide that the rate of interest at which debentures may be purchased shall be determined by the Lieutenant Governor in Council by regulation.

BILL 165 **1970**

An Act to amend The Ontario Municipal Improvement Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section 1 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 275, s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "municipality" means a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;

(*b*) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

2.—(1) Subsection 1 of section 2 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 275, s. 2, subs. 1, re-enacted

(1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued. Corporation continued

(2) Subsection 2 of the said section 2 is amended by striking out "The Ontario Municipal Improvement Corporation, hereinafter called the corporation" in the first and second lines and inserting in lieu thereof "The Corporation", so that the subsection shall read as follows: R.S.O. 1960, c. 275, s. 2, subs. 2, amended

(2) The Corporation shall be composed of not less than three and not more than five members appointed by the Lieutenant Governor in Council. Membership

R.S.O. 1960, c. 275, amended

3. *The Ontario Municipal Improvement Corporation Act* is amended by adding thereto the following section:

Objects

2*a*.—(1) The objects of the Corporation are,

(*a*) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose; and

(*b*) to puchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.

2. Sewage works, treatment works, sewer systems or sewers, as defined in section 380 of *The Municipal Act*.

R.S.O. 1960, c. 249

3. Plants and works for the incineration of garbage, refuse and waste.

1962-63, c. 39

4. Drainage works under *The Drainage Act, 1962-63*.

Determination of population

(2) The Corporation shall determine the population of a municipality for the purpose of subsection 1 as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to subsection 1 of section 8, and such determination is final.

R.S.O. 1960, c. 275, s. 3, subs. 2, cl. *a*, amended

4. Clause *a* of subsection 2 of section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "2" in the second line and inserting in lieu thereof "2*a*", so that the clause shall read as follows:

(*a*) the carrying out of the object of the Corporation mentioned in section 2*a*.

R.S.O. 1960, c. 275, s. 8, subs. 1, amended

5.—(1) Subsection 1 of section 8 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "specified in subsection 1 of section 2" in the fifth line and inserting in lieu thereof "mentioned in section 2*a*", so that the subsection shall read as follows:

SECTIONS 4 and 5. Complementary to sections 1 and 2 of this Bill.

SECTION 6. Complementary to section 1 of this Bill.

(1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase from any municipality in Ontario debentures issued by the municipality for any of the purposes mentioned in section 2*a*. Purchase of municipal debentures

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 275, s. 8, amended

(3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. Interest

6. *The Ontario Municipal Improvement Corporation Act* is amended by striking out "of Ontario" in, R.S.O. 1960, c. 275, amended

(*a*) the fourth line of subsection 6 of section 2;

(*b*) the fourth line of clause *c* of subsection 2 of section 3;

(*c*) the second line of subsection 1 of section 6;

(*d*) the second line of section 10;

(*e*) the fifth line of section 11;

(*f*) the second line of subsection 1 of section 12;

(*g*) the seventh line of subsection 1 of section 13;

(*h*) the first line of section 15.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1970*. Short title

An Act to amend
The Ontario Municipal
Improvement Corporation Act

1st Reading

June 19th, 1970

2nd Reading

3rd Reading

Mr. MacNaughton

1970

BILL 165

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Municipal Improvement Corporation Act

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 165 **1970**

An Act to amend The Ontario Municipal Improvement Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section 1 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 275, s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "municipality" means a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;

(*b*) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

2.—(1) Subsection 1 of section 2 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 275, s. 2, subs. 1, re-enacted

(1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued. Corporation continued

(2) Subsection 2 of the said section 2 is amended by striking out "The Ontario Municipal Improvement Corporation, hereinafter called the corporation" in the first and second lines and inserting in lieu thereof "The Corporation", so that the subsection shall read as follows: R.S.O. 1960, c. 275, s. 2, subs. 2, amended

(2) The Corporation shall be composed of not less than three and not more than five members appointed by the Lieutenant Governor in Council. Membership

R.S.O. 1960, c. 275, amended

3. *The Ontario Municipal Improvement Corporation Act* is amended by adding thereto the following section:

Objects

2*a*.—(1) The objects of the Corporation are,

(*a*) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose; and

(*b*) to puchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.

2. Sewage works, treatment works, sewer systems or sewers, as defined in section 380 of *The Municipal Act*.

R.S.O. 1960, c. 249

3. Plants and works for the incineration of garbage, refuse and waste.

1962-63, c. 39

4. Drainage works under *The Drainage Act, 1962-63*.

Determination of population

(2) The Corporation shall determine the population of a municipality for the purpose of subsection 1 as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to subsection 1 of section 8, and such determination is final.

R.S.O. 1960, c. 275, s. 3, subs. 2, cl. *a*, amended

4. Clause *a* of subsection 2 of section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "2" in the second line and inserting in lieu thereof "2*a*", so that the clause shall read as follows:

(*a*) the carrying out of the object of the Corporation mentioned in section 2*a*.

R.S.O. 1960, c. 275, s. 8, subs. 1, amended

5.—(1) Subsection 1 of section 8 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "specified in subsection 1 of section 2" in the fifth line and inserting in lieu thereof "mentioned in section 2*a*", so that the subsection shall read as follows:

(1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase from any municipality in Ontario debentures issued by the municipality for any of the purposes mentioned in section 2*a*. Purchase of municipal debentures

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 275, s. 8, amended

(3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. Interest

6. *The Ontario Municipal Improvement Corporation Act* is amended by striking out "of Ontario" in, R.S.O. 1960, c. 275, amended

(*a*) the fourth line of subsection 6 of section 2;

(*b*) the fourth line of clause *c* of subsection 2 of section 3;

(*c*) the second line of subsection 1 of section 6;

(*d*) the second line of section 10;

(*e*) the fifth line of section 11;

(*f*) the second line of subsection 1 of section 12;

(*g*) the seventh line of subsection 1 of section 13;

(*h*) the first line of section 15.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1970*. Short title

An Act to amend
The Ontario Municipal
Improvement Corporation Act

1st Reading

June 19th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. MACNAUGHTON

1970

BILL 166

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting the City of Kingston

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill permits the City of Kingston to pass by-laws for the preservation of buildings or structures considered to be of historic or architectural value or interest.

BILL 166 **1970**

An Act respecting the City of Kingston

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "Corporation" means The Corporation of the City of Kingston.

By-laws

2. The council of the Corporation may, with the prior approval of the Ontario Municipal Board, pass by-laws designating buildings or structures as buildings or structures of historic or architectural value or interest.

Provisions that may be contained in by-law

3. A by-law passed under section 2 may,

(*a*) prohibit the demolition or destruction of buildings or structures designated thereunder or prohibit or regulate the alteration, renovation or use theeof;

(*b*) provide for the acquisition by purchase, lease or otherwise of any such building or structure; or

(*c*) provide for the making of grants to the owner of any such building or structure for the renovation, restoration or maintenance thereof.

By-law to be repealed if no agreement re purchase, etc., of building or structure

4. Where a by-law prohibits the demolition, destruction, alteration, renovation or use of a building or structure, or regulates the alteration or renovation of a building or structure, unless the corporation has, within ninety days of the passing thereof,

(*a*) entered into an agreement for the purchase of the building or structure;

(*b*) entered into an agreement for the payment of compensation to the owner of the building or structure; or

(*c*) expropriated the building or structure,

the Corporation shall forthwith repeal the by-law.

Registration of by-law

5.—(1) A by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office, and where any by-law is not so registered it shall be deemed to be repealed.

Idem

(2) A by-law repealing a by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office.

Liability of Corporation

6. Where a by-law passed under section 2, other than a by-law regulating the use of buildings or structures, is repealed, the Corporation is liable to the owner of any land affected by the by-law for any consequential damages.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Kingston Act, 1970*.

An Act respecting the City of Kingston

1st Reading

June 19th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 166

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting the City of Kingston

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 166 **1970**

An Act respecting the City of Kingston

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "Corporation" means The Corporation of the City of Kingston.

By-laws

2. The council of the Corporation may, with the prior approval of the Ontario Municipal Board, pass by-laws designating buildings or structures as buildings or structures of historic or architectural value or interest.

Provisions that may be contained in by-law

3. A by-law passed under section 2 may,

(*a*) prohibit the demolition or destruction of buildings or structures designated thereunder or prohibit or regulate the alteration, renovation or use theeof;

(*b*) provide for the acquisition by purchase, lease or otherwise of any such building or structure; or

(*c*) provide for the making of grants to the owner of any such building or structure for the renovation, restoration or maintenance thereof.

By-law to be repealed if no agreement re purchase, etc., of building or structure

4. Where a by-law prohibits the demolition, destruction, alteration, renovation or use of a building or structure, or regulates the alteration or renovation of a building or structure, unless the corporation has, within ninety days of the passing thereof,

(*a*) entered into an agreement for the purchase of the building or structure;

(*b*) entered into an agreement for the payment of compensation to the owner of the building or structure; or

(*c*) expropriated the building or structure,

the Corporation shall forthwith repeal the by-law.

Registration of by-law

5.—(1) A by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office, and where any by-law is not so registered it shall be deemed to be repealed.

Idem

(2) A by-law repealing a by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office.

Liability of Corporation

6. Where a by-law passed under section 2, other than a by-law regulating the use of buildings or structures, is repealed, the Corporation is liable to the owner of any land affected by the by-law for any consequential damages.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Kingston Act, 1970.*



An Act respecting the City of Kingston

1st Reading

June 19th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. MCKEOUGH

1970

BILL 167

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Labour Relations Act

MR. BALES

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to provide a statement endorsing the principle of collective bargaining.

SECTION 2—Subsections 1 and 2. Complementary to section 41 of the Bill.

Subsection 3. Complementary to section 29 of the Bill.

BILL 167 **1970**

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960, c. 202, amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*a*) "accredited employers' organization" means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes an accredited employers' organization", so that the clause shall read as follows: R.S.O. 1960, c. 202, s. 1, subs. 1, cl. *f*, amended

(*f*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization.

(3) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65*a*", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 202, s. 1, subs. 3, amended

Idem

(3) Subject to section 65*a*, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960, c. 202, s. 1, amended

(4) The said section 1 is amended by adding thereto the following subsection:

Idem

(4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960, c. 202, s. 5, amended

3. Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

(1*b*) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45*a*, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

R.S.O. 1960, c. 202, s. 6, subs. 2, amended

4. Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof "or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion", so that the subsection shall read as follows:

Craft units

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a

Subsection 4. Self-explanatory.

SECTION 3. The amendment makes provision for limited protection of voluntary recognition from certification proceedings.

SECTION 4. The Board is given the discretion to exempt mixed crews from normal craft bargaining units.

SECTIONS 5 and 6. The membership percentage for outright certification is changed from 55 per cent to 65 per cent and the requirement for a vote is lowered from 45 per cent to 35 per cent.

unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion.

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out "45" in the first line and inserting in lieu thereof "35", and by striking out "55" in the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 7, subs. 2, amended

(2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken. Representation vote

(2) Subsection 3 of the said section 7 is amended by striking out "55" in the fourth line and inserting in lieu thereof "65", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 7, subs. 3, amended

(3) If on the taking of a representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit. Certification after vote

(3) This section does not apply in respect of applications for certification made before this section comes into force. Application of section

6.—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and R.S.O. 1960, c. 202, s. 8, subs. 2, amended

inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting constituency

(2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960, c. 202, s. 8, subs. 4, amended

(2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of pre-hearing vote

(4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35 per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Right of access

8*b*. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union.

R.S.O. 1960, c. 202, s. 9, re-enacted

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor:

Security guards

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain

SECTION 7. The amendment provides for access to employees' living area for organizational purposes where the living area is under the control of the employer.

SECTION 8. The amendment removes any doubt that the present section 9 includes security guards provided under contract.

SECTION 9. The Minister of Labour is empowered to appoint an industrial inquiry commission to investigate particular labour disputes or problems.

SECTION 10. Complementary to section 41 of this Bill.

SECTION 11. The no-strike no-lock-out provision is included in all collective agreements.

with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards.

9. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

Industrial inquiry commission

31*a*—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable.

Composition and powers

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28.

Remuneration and expenses

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act.

10.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 32, amended

Recognition of accredited employers' association

(1*a*) Every collective agreement to which an accredited employers' association is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers for whom the employers' organization has been accredited.

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1*a*", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 32, subs. 2, amended

Addition by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1*a*, it may be added to the agreement at any time by the Board upon the application of either party.

11. Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 33, subs. 2, re-enacted

Statutory provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

"There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960, c. 202, s. 34, subs. 2, amended

12.—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

R.S.O. 1960, c. 202, s. 34, amended

(2) The said section 34 is amended by adding thereto the following subsection:

Substitution of penalty

(7*a*) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances.

Application of subs. 2

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force.

SECTION 12—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The amendment permits an arbitrator to exercise equity in reviewing a penalty imposed on an employee for cause under a collective agreement.

SECTION 13—Subsection 1. The amendment increases the protection given to individual employers from the operation of union security provisions and the primary onus for compliance is changed from the employer to the trade union.

Subsection 2. The purpose of the amendment is to bring the requirements for union security provisions in a first agreement into line with the corresponding changes in the requirement for outright certification.

13.—(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 35, subs. 2, re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where non-member employee cannot be required to be discharged

(*a*) he has been expelled or suspended from membership in the trade union; or

(*b*) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(*c*) was or is a member of another trade union;

(*d*) has engaged in activity against the trade union or on behalf of another trade union;

(*e*) has engaged in reasonable dissent within the trade union;

(*f*) has been discriminated against by the trade union in the application of its membership rules; or

(*g*) has been required to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 202, s. 35, subs. 4, amended

(4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply, Union security provision in first agreement

. . . . .

R.S.O. 1960, c. 202, amended

14. *The Labour Relations Act* is amended by adding thereto the following section:

Religious objections

35*a*—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

(*a*) objects to joining a trade union; or

(*b*) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause *a* of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that an amount equal to any initiation fees, dues, or other assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.

R.S.C. 1952, c. 148

Application of subs. 1

(2) Subsection 1 applies to persons in the employ of the employer at the time of the signing of the collective agreement mentioned therein and does not apply to any persons whose employment commences after the signing of such a collective agreement.

R.S.O. 1960, c. 202, amended

15. *The Labour Relations Act* is amended by adding thereto the following section:

More than one collective agreement prohibited

36*a*. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement.

R.S.O. 1960, c. 202, s. 38, subs. 1, amended

16.—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

SECTION 14. The amendment allows employees who object to joining a trade union because of religious convictions exemption from union security provisions in a collective agreement.

SECTION 15. The provision ensures that there is only one collective agreement at a time for a group of employees.

SECTION 16. The provision ensures the binding effect of collective agreements in multiple bargaining situations.

SECTION 17. The amendment allows the parties to a collective agreement to open bargaining for a new agreement at an earlier date.

(1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Binding effect of collective agreements on employers' organizations

(2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in this agreement", so that the subsection shall read as follows:

R.S.O. 1960, c. 202, s. 38, subs. 3, amended

(3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

Binding effect of collective agreements on members or affiliates of councils of trade unions

17. Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

R.S.O. 1960, c. 202, s. 40, subs. 1, amended

Notice of desire to bargain for new collective agreement

(1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

R.S.O. 1960, c. 202, s. 41*a*, (1966 c. 76, s. 14), subs. 3, repealed

18. Subsection 3 of section 41*a* of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 202, s. 43, subs. 3, amended

19.—(1) Subsection 3 of section 43 of *The Labour Relations Act* is amended by striking out "50" in the fourth line and in the seventh line and inserting in lieu thereof in each instance "35", so that the subsection shall read as follows:

Representation vote

(3) Upon an application under subsection 1 or 2, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and whether not less than 35 per cent of the employees in the bargaining unit have voluntarily signified in writing at such time as is determined under clause *j* of subsection 2 of section 77 that they no longer wish to be represented by the trade union, and, if not less than 35 per cent have so signified, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

Application of subs. 1

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force.

R.S.O. 1960, c. 202 s. 45*a*, (1964, c. 53, s. 5), subs. 1, amended

20.—(1) Subsection 1 of section 45*a* of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after "agreement" in the fourth line "or a recognition agreement as provided for in subsection 3 of section 13" and by inserting after "operation" in the ninth line "or, if no collective agreement has been entered into within one year from the signing of such recognition agreement", so that the subsection shall read as follows:

Termination of bargaining rights after voluntary recognition

45*a*.—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13,

SECTION 18. The provision repealed provides that on the dissolution of a certified council of trade unions or withdrawal of a constituent trade union, the council and its member unions cease to represent employees.

SECTION 19. The amendment reduces the requirement for bringing an application for termination of bargaining rights from 50 per cent to 35 per cent, in line with the requirements for a vote in sections 5 and 6 of this Bill.

SECTION 20. The amendment allows employees to question the representative character of a trade union that has made a voluntary recognition agreement.

SECTION 21. Complementary to section 3 of this Bill.

SECTION 22. Under the present section 47*a* of the Act, upon the sale of a business, the bargaining rights continue in respect of the new owner. The new section provides that the new owner is bound by the existing agreements.

the Board may, upon the application of any employee in the bargaining unit or of a trade union representing any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

(2) Subsection 4 of the said section 45*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 45*a*, (1964, c. 53, s. 5), subs. 4, re-enacted

(4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

21. Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 46, amended

(4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1*b* of section 5. Application of subsections 1 and 3

22.—(1) Section 47*a* of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 47*a*, (1962-63, c. 70, s. 1), re-enacted

47*a*.—(1) In this section, Interpretation

(*a*) "business" includes a part or parts thereof;

(*b*) "sells" includes leases, transfers and any other manner of disposition, and "sold" and "sale" have corresponding meanings.

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the business has been sold is, until the Board otherwise Successor employer

declares, the employer for the purposes of the application as if he were named as the employer in the application.

Idem

(3) Where an employer on behalf of whose employees a trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11 or 40, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.

Powers of Board

(4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,

(*a*) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or

(*b*) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*c*) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and

(*d*) amend, to such extent as the Board deems necessary, any bargaining unit in any certificate issued to any trade union or any bargaining unit defined in any collective agreement.

(5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer. Idem

(6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned, Idem

(*a*) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;

(*b*) determine whether the employees concerned constitute one or more appropriate bargaining units;

(*c*) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

(*d*) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

(7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection 6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a Notice to bargain

written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Powers of Board before disposing of application

(8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate.

Where employer not required to bargain

(9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Effect of notice or declaration

(10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7.

Successor municipalities
R.S.O. 1960, c. 98

(11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and,

(*a*) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;

(*b*) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his businesses with those of another of his businesses; and

(*c*) any trade union or council of trade unions concerned has the like rights and obligations

SECTION 23. The new provision introduces a duty of fair representation on a trade union. The corresponding requirement in respect of an accredited employers' organization is included in section 41 of the Bill.

SECTIONS 24 and 26. Threatening an unlawful strike or unlawful lock-out is made an unfair labour practice.

The amendment also requires that a certification vote as well as a strike vote be by secret ballot and that those entitled to vote have ample opportunity to do so.

SECTION 25. The amendment provides that employees who have engaged in a strike have the right to reinstatement during the first six months of a strike.

as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

(12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

(2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

23. *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 202, amended

Duty of fair representation by trade union

51*a*. A trade union, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether members of the trade union or not.

24. Section 54 of *The Labour Relations Act*, as amended by section 20 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 202, s. 54, re-enacted

Strike or lock-out agreement

54.—(1) Where a collective agreement is in operation, no employee bound by the agreement shall strike or threaten to strike and no employer bound by the agreement shall lock out or threaten to lock out such an employee.

No agreement

(2) Where no collective agreement is in operation, no employee shall strike or threaten to strike and no employer shall lock out or threaten to lock out an employee until the Minister has appointed a conciliation officer or a mediator under this Act and,

(*a*) seven days have elapsed after the Minister has released to the parties the report of a conciliation board or mediator; or

(*b*) fourteen days have elapsed after the Minister has released to the parties a notice that he

does not deem it advisable to appoint a conciliation board,

as the case may be.

Strike or ratification vote to be secret

(3) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

(4) Any vote mentioned in subsection 3 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

R.S.O. 1960, c. 202, amended

25. *The Labour Relations Act* is amended by adding thereto the following section:

Reinstatement of employee

54*a*.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act.

Exceptions

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1,

(*a*) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(*b*) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

R.S.O. 1960, c. 202, ss 55, 56, re-enacted

26. Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor:

Unlawful strike

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize and no officer, official or agent of a trade union or council of trade unions shall counsel, procure, support or encourage an unlawful strike or threaten an unlawful strike.

SECTION 27. The new provision makes it an unfair labour practice for an employer to alter working conditions once a union has applied for certification. At present this is an unfair practice only after a trade union has been certified.

SECTION 28. The amendment modifies the enforcement provisions of the Act to deal with various unfair labour practices introduced by this Bill.

56. No employer or employers' organization shall call or authorize or threaten to call or authorize, and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful lock-out

27. Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 59, amended

(1*a*) Where a trade union has applied for certification and notice thereof from the Board has been received by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until, Idem

(*a*) the trade union has given notice under section 11, in which case subsection 1 applies; or

(*b*) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

28.—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 65, subs. 1 (1966, c. 76, s. 24, subs. 1), amended

(*c*) a trade union, council of trade unions, employer, employers' organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after "benefits" in the sixteenth line "which compensation may be assessed against the employer, other person or trade union jointly or severally", so that the clause shall read as follows: R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 2), cl. *a*, amended

(*a*) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the

hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 1), amended

(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

(*c*) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

R.S.O. 1960, c. 202, s. 65, subss. 5, 6, (1961-62, c. 68, s. 8, subs. 2), re-enacted

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor:

Enforcement of discrimination

(5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided

SECTION 29. Protection from retaliation is provided for witnesses appearing before the Board even though the witnesses are not otherwise covered by the Act.

SECTION 30—Subsection 1. The amendment gives the Board the power to deal with jurisdictional disputes where the employer does not employ members of both the competing trade unions.

in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Effect of settlement

(6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960, c. 202, amended

29. *The Labour Relations Act* is amended by adding thereto the following section:

"Person" defined for purposes of ss. 59*a*, and 65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 1, amended

30.—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdictional disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class,

or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of Board's direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(3) The said section 66 is further amended by adding thereto the following subsections:

Notice to jurisdictional representatives

(1*b*) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint.

Meeting of jurisdictional representatives

(1*c*) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint.

Filing of settlement with Board

(1*d*) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1*c*.

Filing of settlement in S.C.O.

(1*e*) Where a settlement is filed with the Board under subsection 1*d*, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any

Subsection 2. The amendment authorizes the Board to make decisions of general application to the parties.

Subsections 3 and 4. Machinery is created for the private settlement of jurisdictional disputes.

SECTION 31. The new provision provides for arbitration of damages resulting from an unlawful strike or lock-out where there is no collective agreement between the trade union and employer.

agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Time of inquiry

(1*f*) Where the designated jurisdictional representatives are notified under subsection 1*b*, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1*c*.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 7, amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postponement of inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960, c. 202, amended

31. *The Labour Relations Act* is amended by adding thereto the following section:

Notice of claim for damages after unlawful strike or lock-out where no collective agreement

68*a*.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or lock-out, and the notice shall contain the name of its appointee to an arbitration board.

Appointment of arbitration board

(2) The recipient of the notice shall within five days inform the sender of the notice of the name of its appointee to the arbitration board.

Idem

(3) The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman.

Idem

(4) If the recipient of the notice fails to name an appointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.

Decision of arbitration board

(5) The arbitration board shall hear and determine the claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,

(*a*) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and

(*b*) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.

Idem

(6) The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

Renumeration of members of board

(7) The chairman and members of the arbitration board under this section shall be paid renumeration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.

Procedure of board

(8) In an arbitration under this section, subsections 5, 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

R.S.O. 1960, c. 202, s. 69, subs. 1, cls. *a*, *b*, re-enacted

32. Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted therefor:

(*a*) if an individual, to a fine of not more than $1,000; or

(*b*) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than $10,000.

R.S.O. 1960, c. 202, s. 73 (1966, c. 76, s. 26), amended

33. Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a

SECTION 32. The maximum penalties for contravention of the Act are increased.

SECTION 33. Complementary to sections 31 and 41 of this Bill.

SECTION 34—Subsections 1 and 4. Complementary to section 41 of this Bill.

Subsection 2. The amendment ensures continuity of procedures where a Board member resigns.

Subsection 3. The provision clarifies what constitutes a deciding vote of the Board.

direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68*a*", so that the section shall read as follows:

Proceedings in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68*a*, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960, c. 202, s. 75, subs. 3*a* (1961-62, c. 68, s. 10, subs. 1), amended

34.—(1) Subsection 3*a* of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction industry division

(3*a*) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960, c. 202, s. 75, amended

(2) The said section 75 is amended by adding thereto the following subsection:

Resignation of member

(4*a*) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960, c. 202, s. 75, subs. 8, re-enacted

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

Decisions

(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs.

R.S.O. 1960, c. 202, s. 75, subs. 9*a* (1961-62, c. 68, s. 10, subs. 3), amended

(4) Subsection 9*a* of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Rules applicable to construction industry

(9*a*) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application.

R.S.O. 1960, c. 202, s. 77, subs. 2, amended

35.—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause:

(*k*) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

R.S.O. 1960, c. 202, s. 77, amended

(2) The said section 77 is amended by adding thereto the following subsections:

Additional votes

(5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees.

Idem

(6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions,

(*a*) the Board shall include on any ballot a choice indicating that an employee does not wish to be represented by a trade union; and

Section 35—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The new provisions authorize the Board to order additional representation votes in certain circumstances.

SECTION 36. Complementary to subsection 1 of section 22 of this Bill.

SECTION 37—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. Complementary to sections 31 and 41 of this Bill.

SECTION 36. Complementary to sections 31 and 41 of this Bill.

(*b*) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the trade union that has obtained the lowest number of votes cast in the previous representation vote.

36. Subsection 2 of section 79*a* of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11". R.S.O. 1960, c. 202, s. 79*a* subs. 2 (1966, c. 76, s. 33), amended

37.—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 85, subs. 2, re-enacted

(2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed. Time of making certain applications

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68*a*", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 85, subs. 4 (1966, c. 76, s. 35), amended

(4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68*a* sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision. Failure to receive documents a defence

38. Clause *f* of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and inserting in lieu thereof "66, 68*a* and 107", so that the clause shall read as follows: R.S.O. 1960, c. 202, s. 88, cl. *f*, amended

(*f*) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68*a* and 107 shall be filed in the Supreme Court.

R.S.O. 1960, c. 202, s. 90 (1961-62 c. 68, s. 16), re-enacted

39. Section 90 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Interpretation

90. In this section and in sections 91 to 108,

(*a*) "council of trade unions" means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;

(*b*) "employee" includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.

(*c*) "employer" means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;

(*d*) "employers' organization" means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;

(*e*) "sector" means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector and the pipeline sector;

(*f*) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960, c. 202, s. 91 (1961-62, c. 68, s. 16), amended

40. Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out

SECTIONS 39, 40 and 41. The new provisions provide for the accreditation of employers' organizations in the construction industry as bargaining agents for units of employers.

Section 107 of the Act as added by section 41 of the Bill authorizes the Board to make directions where an unlawful strike or lock-out is called or threatened in the construction industry. The new section 108 is complementary to subsections 3 and 4 of section 30 of this Bill.

"96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail. Conflict

41. *The Labour Relations Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 202, amended

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in the geographic area and particular sector of the industry described in the said certificates, voluntary recognition documents or collective agreements, as the case may be. Accreditation of employers' organization

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof. Board to determine appropriateness of unit

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate. Idem

99.—(1) Upon an application for accreditation the Board shall ascertain, Determinations by Board

(*a*) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

(*b*) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and

(*c*) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Accreditation

(2) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

Authority of employers' organization

(3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

Idem

(4) Where the Board is of the opinion that appropriate authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

(5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin. What employers' organization not to be accredited

100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization. Effect of accreditation

(2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal. Effect of accreditation on collective agreements

(3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. Idem

(4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employee of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties. Idem

(5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal. Idem

Idem

(6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Application of s. 39, subs. 1

(7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39.

Application of s. 38, subss. 1, 2

101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization.

Binding effect of collective agreement on employer

(2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Binding effect of collective agreement on employees

(3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement.

Termination of accreditation

102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the

accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the bargaining unit.

Idem

(2) Any of the employers in the bargaining unit defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Determination by Board

(3) Upon an application under subsection 1 or 2, the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application;

(*b*) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*c*) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration by Board

(4) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

Declaration of termination on abandonment

(5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit.

Effect of declaration

(6) Upon the Board making a declaration under subsection 4 or 5,

(*a*) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

(*b*) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

(*c*) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Individual bargaining prohibited

103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements to provide employees during lawful strike or lock-out prohibited

(2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

(3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of fair representation by employers' organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership in employers' organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by Board re unlawful strike

107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

Direction by Board re unlawful lock-out

(2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Enforcement of direction by S.C.O.

(3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Designation of jurisdictional representative

108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of October, 1970, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Idem

(2) Whenever a trade union, employer or unincorporated employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

(3) Where a trade union, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint. Idem

42.—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

(2) Section 15 comes into force on the 1st day of July, 1971. Idem

(3) Subsection 3 of section 30 comes into force on the 1st day of October, 1970. Idem

43. This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*. Short title

An Act to amend
The Labour Relations Act

1st Reading

June 22nd, 1970

2nd Reading

3rd Reading

MR. BALES

1970

BILL 167

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Labour Relations Act

MR. BALES

(*Reprinted as amended by the Labour Committee*)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The purpose of the amendment is to provide a statement endorsing the principle of collective bargaining.

Section 2—Subsections 1 and 2. Complementary to section 41 of the Bill.

BILL 167 **1970**

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960, c. 202, amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*a*) "accredited employers' organization" means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes an accredited employers' organization", so that the clause shall read as follows: R.S.O. 1960, c. 202, s. 1, subs. 1, cl. *f*, amended

(*f*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*ha*) "professional engineer" means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.

R.S.O. 1960, c. 202, s. 1, subs. 3, amended

(4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65*a*", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(3) Subject to section 65*a*, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960, c. 202, s. 1, subs. 3, cl. *a*, amended

(5) Clause *a* of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62* is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

(*a*) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960, c. 202, s. 1, amended

(6) The said section 1 is amended by adding thereto the following subsection:

Idem

(4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960, c. 202, s. 5, amended

3. Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

(1*b*) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45*a*, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

Subsection 4. Complementary to section 29 of the Bill.

Subsection 6. Self-explanatory.

SECTION 3. The amendment makes provision for limited protection of voluntary recognition from certification proceedings.

SECTION 4. The Board is given the discretion to exempt mixed crews from normal craft bargaining units.

SECTIONS 5 and 6. The membership percentage for outright certification is changed from 55 per cent to 65 per cent and the requirement for a vote is lowered from 45 per cent to 35 per cent. The vote required is changed from 50 per cent of those eligible to 50 per cent of the ballots cast.

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof "or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 6, subs. 2, amended

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion. Craft units

(2) The said section 6 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 6, amended

(3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit. Unit of professional engineers

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out "45" in the first line and inserting in lieu thereof "35", and by striking out "55" in R.S.O. 1960, c. 202, s. 7, subs. 2, amended

the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representation vote

(2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960, c. 202, s. 7, subs. 3, re-enacted, subs. 4, repealed

(2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification after vote

(3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, s. 8, subs. 2, amended

6.—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting constituency

(2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960, c. 202, s. 8, subs. 4, amended

(2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of pre-hearing vote

(4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35

SECTION 7. The amendment provides for access to employees' living area for organizational purposes where the living area is under the control of the employer.

SECTION 8. The amendment removes any doubt that the present section 9 includes security guards provided under contract.

SECTION 9. The Minister of Labour is empowered to appoint an industrial inquiry commission to investigate particular labour disputes or problems.

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Right of access

8*b*. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union.

R.S.O. 1960, c. 202, s. 9, re-enacted

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor:

Security guards

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards.

R.S.O. 1960, c. 202, amended

9. *The Labour Relations Act* is amended by adding thereto the following section:

Industrial inquiry commission

31*a*—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable.

Composition and powers

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28.

Remuneration and expenses

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate

as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960, c. 202, s. 32, amended

10.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition of accredited employers' organization

(1*a*) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960, c. 202, s. 32, subs. 2, amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1*a*", so that the subsection shall read as follows:

Addition by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1*a*, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960, c. 202, s. 33, subs. 2, re-enacted

11. Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> "There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960, c. 202, s. 34, subs. 2, amended

12.—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

SECTION 10. Complementary to section 41 of this Bill.

SECTION 11. The no-strike no-lock-out provision is included in all collective agreements.

SECTION 12—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The amendment permits an arbitrator to exercise equity in reviewing a penalty imposed on an employee for cause under a collective agreement.

SECTION 13—Subsection 1. The amendment increases the protection given to individual employees from the operation of union security provisions and the primary onus for compliance is changed from the employer to the trade union.

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 34, amended

(7*a*) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances. Substitution of penalty

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force. Application of subs. 2

13.—(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 35, subs. 2, re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where non-member employee cannot be required to be discharged

(*a*) he has been expelled or suspended from membership in the trade union; or

(*b*) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(*c*) was or is a member of another trade union;

SECTION 15. The provision ensures that there is only one collective agreement at a time for a group of employees.

SECTION 16. The provision ensures the binding effect of collective agreements in multiple bargaining situations.

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.

(2) Subsection 1 applies, R.S.C. 1952, c. 148

(*a*) subject to clause *b*, to employees in the employ of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and Application of subs. 1

(*b*) where a collective agreement in force when this subsection comes into force contains the provisions mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.

15. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

36*a*. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement. More than one collective agreement prohibited

16.—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 38, subs. 1, amended

Binding effect of collective agreements on employers' organizations

(1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960, c. 202, s. 38, subs. 3, amended

(2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding effect of collective agreements on members or affiliates of councils of trade unions

(3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960, c. 202, s. 40, subs. 1, amended

17. Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

SECTION 17. The amendment allows the parties to a collective agreement to open bargaining for a new agreement at an earlier date.

SECTION 18. The provision repealed provides that on the dissolution of a certified council of trade unions or withdrawal of a constituent trade union, the council and its member unions cease to represent employees.

SECTION 19. The amendment reduces the requirements for bringing an application for termination of bargaining rights from 50 per cent to 35 per cent, in line with the requirements for a vote in sections 5 and 6 of this Bill.

SECTION 20. The amendment allows employees to question the representative character of a trade union that has made a voluntary recognition agreement.

(1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement. Notice of desire to bargain for new collective agreement

18. Subsection 3 of section 41*a* of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 202, s. 41*a*, (1966 c. 76, s. 14), subs. 3, repealed

19.—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out "of all those eligible to vote" in the second line and inserting in lieu thereof "cast", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 43, subs. 4, amended

(4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit. Declaration of termination following vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force. Application of subs. 1

(3) Subsection 5 of the said section 43 is repealed. R.S.O. 1960, c. 202, s. 43, subs. 5, repealed

20.—(1) Subsection 1 of section 45*a* of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after "agreement" in the fourth line "or a recognition agreement as provided for in subsection 3 of section 13" and by inserting after "operation" in the ninth line "or, if no collective agreement has been entered into within one year from the signing of such recognition agreement", so that the subsection shall read as follows: R.S.O. 1960, c. 202 s. 45*a*, (1964, c. 53, s. 5), subs. 1, amended

45*a*.—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing Termination of bargaining rights after voluntary recognition

any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960, c. 202, s. 45*a*, (1964, c. 53, s. 5), subs. 4, re-enacted

(2) Subsection 4 of the said section 45*a* is repealed and the following substituted therefor:

(4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960, c. 202, s. 46, amended

21. Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application of subsections 1 and 3

(4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1*b* of section 5.

R.S.O. 1960, c. 202, s. 47*a*, (1962-63, c. 70, s. 1), re-enacted

22.—(1) Section 47*a* of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpretation

47*a*.—(1) In this section,

(*a*) "business" includes a part or parts thereof;

(*b*) "sells" includes leases, transfers and any other manner of disposition, and "sold" and "sale" have corresponding meanings.

Successor employer

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

SECTION 21. Complementary to section 3 of this Bill.

SECTION 22. Under the present section 47*a* of the Act, upon the sale of a business, the bargaining rights continue in respect of the new owner. The new section provides that the new owner is bound by the existing agreements.

business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

Idem

(3) Where an employer on behalf of whose employees a trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.

Powers of Board

(4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,

(*a*) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or

(*b*) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*c*) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and

(*d*) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-

ficate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

(5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

(6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*a*) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;

(*b*) determine whether the employees concerned constitute one or more appropriate bargaining units;

(*c*) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

(*d*) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

Notice to bargain

(7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Powers of Board before disposing of application

(8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate.

Where employer not required to bargain

(9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Effect of notice or declaration

(10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7.

Successor municipalities R.S.O. 1960, c. 98

(11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and,

(*a*) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;

(*b*) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his

businesses with those of another of his businesses; and

(*c*) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

(12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

(2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

23. *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

51*a*. A trade union, or council of trade unions so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

24. Subsection 3 of section 54 of *The Labour Relations Act*, is repealed and the following substituted therefor:

Threatening strike or lock-out

(3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

(4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

(5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

SECTION 23. The new provision introduces a duty of fair representation on a trade union. The corresponding requirement in respect of an accredited employers' organization is included in section 41 of the Bill.

SECTIONS 24 and 26. Threatening an unlawful strike or unlawful lock-out is made an unfair labour practice.

The amendment also requires that a certification vote as well as a strike vote be by secret ballot and that those entitled to vote have ample opportunity to do so.

SECTION 25. The amendment provides that employees who have engaged in a strike have the right to reinstatement during the first six months of a strike.

SECTION 27. The new provision makes it an unfair labour practice for an employer to alter working conditions once a union has applied for certification. At present this is an unfair practice only after a trade union has been certified.

25. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

54*a*.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(*a*) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(*b*) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

26. Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 202, ss 55, 56, re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall council, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful lock-out

27. Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 59, amended

(1*a*) Where a trade union has applied for certification and notice thereof from the Board has been received Idem

by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

(*a*) the trade union has given notice under section 11, in which case subsection 1 applies; or

(*b*) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960, c. 202, s. 65, subs. 1 (1966, c. 76, s. 24, subs. 1), amended

28.—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

(*c*) a trade union, council of trade unions, employer, employers' organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 2), cl. *a*, amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after "benefits" in the sixteenth line "which compensation may be assessed against the employer, other person or trade union jointly or severally", so that the clause shall read as follows:

(*a*) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

SECTION 28. The amendment modifies the enforcement provisions of the Act to deal with various unfair labour practices introduced by this Bill.

(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 1), amended

(*c*) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subss. 5, 6 (1961-62, c. 68, s. 8, subs. 2), re-enacted

(5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of discrimination

(6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been Effect of settlement

put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960, c. 202, amended

29. *The Labour Relations Act* is amended by adding thereto the following section:

"Person" defined for purposes of ss. 59*a*, and 65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 1, amended

30.—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdictional disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of Board's direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

SECTION 29. Protection from retaliation is provided for witnesses appearing before the Board even though the witnesses are not otherwise covered by the Act.

SECTION 30—Subsection 1. The amendment gives the Board the power to deal with jurisdictional disputes where the employer does not employ members of both the competing trade unions.

Subsection 2. The amendment authorizes the Board to make decisions of general application to the parties.

Subsections 3, 4 and 5. Machinery is created for the private settlement of jurisdictional disputes.

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

(3) The said section 66 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(1*b*) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint. Notice to jurisdictional representatives

(1*c*) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint. Meeting of jurisdictional representatives

(1*d*) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1*c*. Filing of settlement with Board

(1*e*) Where a settlement is filed with the Board under subsection 1*d*, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court. Filing of settlement in S.C.O.

(1*f*) Where the designated jurisdictional representatives are notified under subsection 1*b*, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1*c*. Time of inquiry

R.S.O. 1960, c. 202, s. 66, (1966, c. 76, s. 25), subs. 7, amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postponement of inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 8, amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no complaint may be made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.

R.S.O. 1960, c. 202, amended

31. *The Labour Relations Act* is amended by adding thereto the following section:

Notice of claim for damages after unlawful strike or lock-out where no collective agreement

68*a*.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

SECTION 31. The new provision provides for arbitration of damages resulting from an unlawful strike or lock-out where there is no collective agreement between the trade union and employer.

SECTION 32. The maximum penalties for contravention of the Act are increased.

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

Appointment of arbitration board

(2) The recipient of the notice shall within five days inform the sender of the notice of the name of its appointee to the arbitration board.

Idem

(3) The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman.

Idem

(4) If the recipient of the notice fails to name an appointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.

Decision of arbitration board

(5) The arbitration board shall hear and determine the claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,

(*a*) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and

(*b*) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.

Idem

(6) The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

Renumeration of members of board

(7) The chairman and members of the arbitration board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.

Procedure of board

(8) In an arbitration under this section, subsections 5, 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

R.S.O. 1960, c. 202, s. 69, subs. 1, cls. *a*, *b*, re-enacted

32. Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted therefor:

(*a*) if an individual, to a fine of not more than $1,000; or

(*b*) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than $10,000.

R.S.O. 1960, c. 202, s. 73 (1966, c. 76, s. 26), amended

33. Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68*a*", so that the section shall read as follows:

Proceedings in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68*a*, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960, c. 202, s. 75, subs. 3*a* (1961-62, c. 68, s. 10, subs. 1), amended

34.—(1) Subsection 3*a* of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction industry division

(3*a*) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960, c. 202, s. 75, amended

(2) The said section 75 is amended by adding thereto the following subsection:

Resignation of member

(4*a*) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960, c. 202, s. 75, subs. 8, re-enacted

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

SECTION 33. Complementary to sections 31 and 41 of this Bill.

SECTION 34—Subsections 1 and 4. Complementary to section 41 of this Bill.

Subsection 2. The amendment ensures continuity of procedures where a Board member resigns.

Subsection 3. The provision clarifies what constitutes a deciding vote of the Board.

Section 35—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The new provisions authorize the Board to order additional representation votes in certain circumstances.

(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9*a* of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 75, subs. 9*a* (1961-62, c. 68, s. 10, subs. 3), amended

(9*a*) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules applicable to construction industry

35.—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 202, s. 77, subs. 2, amended

(*k*) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 77, amended

(5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional votes

(6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem

(*a*) the Board shall include on any ballot a choice indicating that an employee does not wish to be represented by a trade union; and

(*b*) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the trade union that has obtained the lowest number of votes cast in the previous representation vote.

R.S.O. 1960, c. 202, s. 79*a* subs. 2 (1966, c. 76, s. 33), amended

36. Subsection 2 of section 79*a* of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960, c. 202, s. 85, subs. 2, re-enacted

37.—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of making certain applications

(2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960, c. 202, s. 85, subs. 4 (1966, c. 76, s. 35), amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68*a*", so that the subsection shall read as follows:

Failure to receive documents a defence

(4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68*a* sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960, c. 202, s. 88, cl. *f*, amended

38. Clause *f* of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

SECTION 36. Complementary to subsection 1 of section 22 of this Bill.

SECTION 37—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. Complementary to sections 31 and 41 of this Bill.

SECTION 38. Complementary to sections 31 and 41 of this Bill.

SECTIONS 39, 40 and 41. The new provisions provide for the accreditation of employers' organizations in the construction industry as bargaining agents for units of employers.

Section 107 of the Act as added by section 41 of the Bill authorizes the Board to make directions where an unlawful strike or lock-out is called or threatened in the construction industry. The new section 108 is complementary to subsections 3 and 4 of section 30 of this Bill.

ing in lieu thereof "66, 68*a* and 107", so that the clause shall read as follows:

(*f*) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68*a* and 107 shall be filed in the Supreme Court.

39. Section 90 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 90 (1961-62 c. 68, s. 16), re-enacted

90. In this section and in sections 91 to 108, Interpretation

(*a*) "council of trade unions" means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;

(*b*) "employee" includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.

(*c*) "employer" means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;

(*d*) "employers' organization" means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;

(*e*) "sector" means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;

(*f*) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960, c. 202, s. 91 (1961-62, c. 68, s. 16), amended

40. Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960, c. 202, amended

41. *The Labour Relations Act* is amended by adding thereto the following sections:

Accreditation of employers' organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to determine appropriateness of unit

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determinations by Board

99.—(1) Upon an application for accreditation the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ

for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

(*b*) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and

(*c*) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Accreditation

(2) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

Authority of employers' organization

(3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

Idem

(4) Where the Board is of the opinion that appropriate authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

What employers' organization not to be accredited

(5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of accreditation

100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of accreditation on collective agreements

(2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

(3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

(4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

(5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

(6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. Idem

(7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. Application of s. 39, subs. 1

101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. Application of s. 38, subss. 1, 2

(2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. Binding effect of collective agreement on employer

(3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. Binding effect of collective agreement on employees

102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the Termination of accreditation

accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Idem

(2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Determination by Board

(3) Upon an application under subsection 1 or 2, the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application;

(*b*) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*c*) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration by Board

(4) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

Declaration of termination on abandonment

(5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit.

Effect of declaration

(6) Upon the Board making a declaration under subsection 4 or 5,

(*a*) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

(*b*) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

(*c*) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Individual bargaining prohibited

103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements to provide employees during lawful strike or lock-out prohibited

(2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

(3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of fair representation by employers' organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership in employers' organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by Board re unlawful strike

107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

Direction by Board re unlawful lock-out

(2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Enforcement of direction by S.C.O.

(3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Designation of jurisdictional representative

108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Idem

(2) Whenever a trade union, employer or unincorporated employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

Idem

(3) Where a trade union, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.

Commencement

42.—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(2) Section 15 comes into force on the 1st day of July, 1972.

Idem

(3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.

Short title

43. This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*.

An Act to amend
The Labour Relations Act

1st Reading

June 22nd, 1970

2nd Reading

October 8th, 1970

3rd Reading

MR. BALES

(Reprinted as amended by the Labour Committee)

1970

BILL 167

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Labour Relations Act

MR. BALES

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The purpose of the amendment is to provide a statement endorsing the principle of collective bargaining.

Section 2—Subsections 1 and 2. Complementary to section 41 of the Bill.

BILL 167 **1970**

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960, c. 202, amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*a*) "accredited employers' organization" means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes an accredited employers' organization", so that the clause shall read as follows: R.S.O. 1960, c. 202, s. 1, subs. 1, cl. *f*, amended

(*f*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*ha*) "professional engineer" means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.

R.S.O. 1960, c. 202, s. 1, subs. 3, amended

(4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65*a*", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(3) Subject to section 65*a*, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960, c. 202, s. 1, subs. 3, cl. *a*, amended

(5) Clause *a* of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62* is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

(*a*) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960, c. 202, s. 1, amended

(6) The said section 1 is amended by adding thereto the following subsection:

Idem

(4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960, c. 202, s. 5, amended

3. Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

(1*b*) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45*a*, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

Subsection 4. Complementary to section 29 of the Bill.

Subsection 6. Self-explanatory.

SECTION 3. The amendment makes provision for limited protection of voluntary recognition from certification proceedings.

SECTION 4. The Board is given the discretion to exempt mixed crews from normal craft bargaining units.

SECTIONS 5 and 6. The membership percentage for outright certification is changed from 55 per cent to 65 per cent and the requirement for a vote is lowered from 45 per cent to 35 per cent. The vote required is changed from 50 per cent of those eligible to 50 per cent of the ballots cast.

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof "or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 6, subs. 2, amended

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion. Craft units

(2) The said section 6 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 6, amended

(3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit. Unit of professional engineers

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out "45" in the first line and inserting in lieu thereof "35", and by striking out "55" in R.S.O. 1960, c. 202, s. 7, subs. 2, amended

the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representation vote

(2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960, c. 202, s. 7, subs. 3, re-enacted, subs. 4, repealed

(2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification after vote

(3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, s. 8, subs. 2, amended

6.—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting constituency

(2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960, c. 202, s. 8, subs. 4, amended

(2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of pre-hearing vote

(4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35

SECTION 7. The amendment provides for access to employees' living area for organizational purposes where the living area is under the control of the employer.

SECTION 8. The amendment removes any doubt that the present section 9 includes security guards provided under contract.

SECTION 9. The Minister of Labour is empowered to appoint an industrial inquiry commission to investigate particular labour disputes or problems.

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Right of access

8*b*. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union.

R.S.O. 1960, c. 202, s. 9, re-enacted

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor:

Security guards

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards.

R.S.O. 1960, c. 202, amended

9. *The Labour Relations Act* is amended by adding thereto the following section:

Industrial inquiry commission

31*a*—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable.

Composition and powers

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28.

Remuneration and expenses

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate

as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960, c. 202, s. 32, amended

10.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition of accredited employers' organization

(1*a*) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960, c. 202, s. 32, subs. 2, amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1*a*", so that the subsection shall read as follows:

Addition by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1*a*, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960, c. 202, s. 33, subs. 2, re-enacted

11. Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> "There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960, c. 202, s. 34, subs. 2, amended

12.—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

SECTION 10. Complementary to section 41 of this Bill.

SECTION 11. The no-strike no-lock-out provision is included in all collective agreements.

SECTION 12—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The amendment permits an arbitrator to exercise equity in reviewing a penalty imposed on an employee for cause under a collective agreement.

SECTION 13—Subsection 1. The amendment increases the protection given to individual employees from the operation of union security provisions and the primary onus for compliance is changed from the employer to the trade union.

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 34, amended

Substitution of penalty

(7*a*) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances.

Application of subs. 2

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force.

13.—(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 35, subs. 2, re-enacted

Where non-member employee cannot be required to be discharged

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because,

(*a*) he has been expelled or suspended from membership in the trade union; or

(*b*) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(*c*) was or is a member of another trade union;

(*d*) has engaged in activity against the trade union or on behalf of another trade union;

(*e*) has engaged in reasonable dissent within the trade union;

(*f*) has been discriminated against by the trade union in the application of its membership rules; or

(*g*) has refused to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

R.S.O. 1960, c. 202, s. 35, subs. 4, amended

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows:

Union security provision in first agreement

(4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

. . . . .

R.S.O. 1960, c. 202, amended

14. *The Labour Relations Act* is amended by adding thereto the following section:

Religious objections

35*a*—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

(*a*) objects to joining a trade union; or

(*b*) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause *a* of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that amounts equal to any initiation fees, dues, or other

Subsection 2. The purpose of the amendment is to bring the requirements for union security provisions in a first agreement into line with the corresponding changes in the requirement for outright certification.

SECTION 14. The amendment allows employees who object to joining a trade union because of religious convictions exemption from union security provisions in a collective agreement.

SECTION 15. The provision ensures that there is only one collective agreement at a time for a group of employees.

SECTION 16. The provision ensures the binding effect of collective agreements in multiple bargaining situations.

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board. R.S.C. 1952, c. 148

(2) Subsection 1 applies, Application of subs. 1

(*a*) subject to clause *b*, to employees in the employ of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and

(*b*) where a collective agreement in force when this subsection comes into force contains the provisions mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.

15. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

36*a*. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement. More than one collective agreement prohibited

16.—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 38, subs. 1, amended

Binding effect of collective agreements on employers' organizations

(1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960, c. 202, s. 38, subs. 3, amended

(2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding effect of collective agreements on members or affiliates of councils of trade unions

(3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960, c. 202, s. 40, subs. 1, amended

17. Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

SECTION 17. The amendment allows the parties to a collective agreement to open bargaining for a new agreement at an earlier date.

SECTION 18. The provision repealed provides that on the dissolution of a certified council of trade unions or withdrawal of a constituent trade union, the council and its member unions cease to represent employees.

SECTION 19. The amendment reduces the requirements for bringing an application for termination of bargaining rights from 50 per cent to 35 per cent, in line with the requirements for a vote in sections 5 and 6 of this Bill.

SECTION 20. The amendment allows employees to question the representative character of a trade union that has made a voluntary recognition agreement.

(1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement. Notice of desire to bargain for new collective agreement

18. Subsection 3 of section 41*a* of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 202, s. 41*a*, (1966 c. 76, s. 14), subs. 3, repealed

19.—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out "of all those eligible to vote" in the second line and inserting in lieu thereof "cast", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 43, subs. 4, amended

(4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit. Declaration of termination following vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force. Application of subs. 1

(3) Subsection 5 of the said section 43 is repealed. R.S.O. 1960, c. 202, s. 43, subs. 5, repealed

20.—(1) Subsection 1 of section 45*a* of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after "agreement" in the fourth line "or a recognition agreement as provided for in subsection 3 of section 13" and by inserting after "operation" in the ninth line "or, if no collective agreement has been entered into within one year from the signing of such recognition agreement", so that the subsection shall read as follows: R.S.O. 1960, c. 202 s. 45*a*. (1964, c. 53, s. 5), subs. 1, amended

45*a*.—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing Termination of bargaining rights after voluntary recognition

any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960, c. 202, s. 45*a* (1964, c. 53, s. 5), subs. 4, re-enacted

(2) Subsection 4 of the said section 45*a* is repealed and the following substituted therefor:

(4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960, c. 202, s. 46, amended

21. Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application of subsections 1 and 3

(4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1*b* of section 5.

R.S.O. 1960, c. 202, s. 47*a* (1962-63, c. 70, s. 1), re-enacted

22.—(1) Section 47*a* of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpretation

47*a*.—(1) In this section,

(*a*) "business" includes a part or parts thereof;

(*b*) "sells" includes leases, transfers and any other manner of disposition, and "sold" and "sale" have corresponding meanings.

Successor employer

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

SECTION 21. Complementary to section 3 of this Bill.

SECTION 22. Under the present section 47*a* of the Act, upon the sale of a business, the bargaining rights continue in respect of the new owner. The new section provides that the new owner is bound by the existing agreements.

business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

Idem

(3) Where an employer on behalf of whose employees a trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.

Powers of Board

(4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,

(*a*) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or

(*b*) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*c*) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and

(*d*) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-

ficate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

(5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

(6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*a*) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;

(*b*) determine whether the employees concerned constitute one or more appropriate bargaining units;

(*c*) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

(*d*) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

Notice to bargain

(7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Powers of Board before disposing of application

(8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate.

Where employer not required to bargain

(9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Effect of notice or declaration

(10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7.

Successor municipalities R.S.O. 1960, c. 98

(11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and,

(*a*) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;

(*b*) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his

businesses with those of another of his businesses; and

(*c*) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

(12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

(2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

23. *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

51*a*. A trade union, or council of trade unions so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

24. Subsection 3 of section 54 of *The Labour Relations Act*, is repealed and the following substituted therefor:

Threatening strike or lock-out

(3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

(4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

(5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

SECTION 23. The new provision introduces a duty of fair representation on a trade union. The corresponding requirement in respect of an accredited employers' organization is included in section 41 of the Bill.

SECTIONS 24 and 26. Threatening an unlawful strike or unlawful lock-out is made an unfair labour practice.

The amendment also requires that a certification vote as well as a strike vote be by secret ballot and that those entitled to vote have ample opportunity to do so.

SECTION 25. The amendment provides that employees who have engaged in a strike have the right to reinstatement during the first six months of a strike.

SECTION 27. The new provision makes it an unfair labour practice for an employer to alter working conditions once a union has applied for certification. At present this is an unfair practice only after a trade union has been certified.

25. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

54*a*.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(*a*) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(*b*) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

26. Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 202, ss 55, 56, re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall council, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful lock-out

27. Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 59, amended

(1*a*) Where a trade union has applied for certification and notice thereof from the Board has been received Idem

by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

(*a*) the trade union has given notice under section 11, in which case subsection 1 applies; or

(*b*) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960, c. 202, s. 65, subs. 1 (1966, c. 76, s. 24, subs. 1), amended

28.—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

(*c*) a trade union, council of trade unions, employer, employers' organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 2), cl. *a*, amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after "benefits" in the sixteenth line "which compensation may be assessed against the employer, other person or trade union jointly or severally", so that the clause shall read as follows:

(*a*) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

SECTION 28. The amendment modifies the enforcement provisions of the Act to deal with various unfair labour practices introduced by this Bill.

(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 1), amended

(*c*) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subss. 5, 6 (1961-62, c. 68, s. 8, subs. 2), re-enacted

(5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of discrimination

(6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been Effect of settlement

put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960, c. 202, amended

29. *The Labour Relations Act* is amended by adding thereto the following section:

"Person" defined for purposes of ss. 59*a*, and 65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 1, amended

30.—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdictional disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of Board's direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

SECTION 29. Protection from retaliation is provided for witnesses appearing before the Board even though the witnesses are not otherwise covered by the Act.

SECTION 30—Subsection 1. The amendment gives the Board the power to deal with jurisdictional disputes where the employer does not employ members of both the competing trade unions.

Subsection 2. The amendment authorizes the Board to make decisions of general application to the parties.

Subsections 3, 4 and 5. Machinery is created for the private settlement of jurisdictional disputes.

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

(3) The said section 66 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

Notice to jurisdictional representatives

(1*b*) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint.

Meeting of jurisdictional representatives

(1*c*) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint.

Filing of settlement with Board

(1*d*) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1*c*.

Filing of settlement in S.C.O.

(1*e*) Where a settlement is filed with the Board under subsection 1*d*, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Time of inquiry

(1*f*) Where the designated jurisdictional representatives are notified under subsection 1*b*, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1*c*.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 7, amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postponement of inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 8, amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no complaint may be made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.

R.S.O. 1960, c. 202, amended

31. *The Labour Relations Act* is amended by adding thereto the following section:

Notice of claim for damages after unlawful strike or lock-out where no collective agreement

68*a*.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

SECTION 31. The new provision provides for arbitration of damages resulting from an unlawful strike or lock-out where there is no collective agreement between the trade union and employer.

SECTION 32. The maximum penalties for contravention of the Act are increased.

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

Appointment of arbitration board

(2) The recipient of the notice shall within five days inform the sender of the notice of the name of its appointee to the arbitration board.

Idem

(3) The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman.

Idem

(4) If the recipient of the notice fails to name an appointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.

Decision of arbitration board

(5) The arbitration board shall hear and determine the claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,

(*a*) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and

(*b*) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.

Idem

(6) The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

Renumeration of members of board

(7) The chairman and members of the arbitration board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.

Procedure of board

(8) In an arbitration under this section, subsections 5, 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

R.S.O. 1960, c. 202, s. 69, subs. 1, cls. *a*, *b*, re-enacted

32. Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted therefor:

(*a*) if an individual, to a fine of not more than $1,000; or

(*b*) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than $10,000.

R.S.O. 1960, c. 202, s. 73 (1966, c. 76, s. 26), amended

33. Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68*a*", so that the section shall read as follows:

Proceedings in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68*a*, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960, c. 202, s. 75, subs. 3*a* (1961-62, c. 68, s. 10, subs. 1), amended

34.—(1) Subsection 3*a* of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction industry division

(3*a*) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960, c. 202, s. 75, amended

(2) The said section 75 is amended by adding thereto the following subsection:

Resignation of member

(4*a*) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960, c. 202, s. 75, subs. 8, re-enacted

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

SECTION 33. Complementary to sections 31 and 41 of this Bill.

SECTION 34—Subsections 1 and 4. Complementary to section 41 of this Bill.

Subsection 2. The amendment ensures continuity of procedures where a Board member resigns.

Subsection 3. The provision clarifies what constitutes a deciding vote of the Board.

Section 35—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. The new provisions authorize the Board to order additional representation votes in certain circumstances.

(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9*a* of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 75, subs. 9*a* (1961-62, c. 68, s. 10, subs. 3), amended

(9*a*) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules applicable to construction industry

35.—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 202, s. 77, subs. 2, amended

(*k*) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 77, amended

(5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional votes

(6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem

(*a*) the Board may include on a ballot a choice indicating that an employee does not wish to be represented by a trade union; and

(*b*) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

R.S.O. 1960, c. 202, s. 79*a* subs. 2 (1966, c. 76, s. 33), amended

36. Subsection 2 of section 79*a* of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960, c. 202, s. 85, subs. 2, re-enacted

37.—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of making certain applications

(2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960, c. 202, s. 85, subs. 4 (1966, c. 76, s. 35), amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68*a*", so that the subsection shall read as follows:

Failure to receive documents a defence

(4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68*a* sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960, c. 202, s. 88, cl. *f*, amended

38. Clause *f* of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

SECTION 36. Complementary to subsection 1 of section 22 of this Bill.

SECTION 37—Subsection 1. Complementary to section 41 of this Bill.

Subsection 2. Complementary to sections 31 and 41 of this Bill.

SECTION 38. Complementary to sections 31 and 41 of this Bill.

SECTIONS 39, 40 and 41. The new provisions provide for the accreditation of employers' organizations in the construction industry as bargaining agents for units of employers.

Section 107 of the Act as added by section 41 of the Bill authorizes the Board to make directions where an unlawful strike or lock-out is called or threatened in the construction industry. The new section 108 is complementary to subsections 3 and 4 of section 30 of this Bill.

ing in lieu thereof "66, 68*a* and 107", so that the clause shall read as follows:

(*f*) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68*a* and 107 shall be filed in the Supreme Court.

39. Section 90 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 90 (1961-62 c. 68, s. 16), re-enacted

90. In this section and in sections 91 to 108, Interpretation

(*a*) "council of trade unions" means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;

(*b*) "employee" includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.

(*c*) "employer" means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;

(*d*) "employers' organization" means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;

(*e*) "sector" means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;

(*f*) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960, c. 202, s. 91 (1961-62, c. 68, s. 16), amended

40. Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960, c. 202, amended

41. *The Labour Relations Act* is amended by adding thereto the following sections:

Accreditation of employers' organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to determine appropriateness of unit

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determinations by Board

99.—(1) Upon an application for accreditation the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ

for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

(*b*) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and

(*c*) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Accreditation

(2) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

Authority of employers' organization

(3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

Idem

(4) Where the Board is of the opinion that appropriate authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

What employers' organization not to be accredited

(5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of accreditation

100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of accreditation on collective agreements

(2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

(3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

(4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

(5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

(6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. Idem

(7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. Application of s. 39, subs. 1

101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. Application of s. 38, subss. 1, 2

(2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. Binding effect of collective agreement on employer

(3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. Binding effect of collective agreement on employees

102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the Termination of accreditation

accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Idem

(2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Determination by Board

(3) Upon an application under subsection 1 or 2, the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application;

(*b*) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*c*) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration by Board

(4) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

Declaration of termination on abandonment

(5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit.

Effect of declaration

(6) Upon the Board making a declaration under subsection 4 or 5,

(*a*) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

(*b*) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

(*c*) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Individual bargaining prohibited

103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements to provide employees during lawful strike or lock-out prohibited

(2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

(3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of fair representation by employers' organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership in employers' organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by Board re unlawful strike

107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

Direction by Board re unlawful lock-out

(2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Enforcement of direction by S.C.O.

(3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Designation of jurisdictional representative

108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, council of trade unions, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Idem

(2) Whenever a trade union, council of trade unions, employer or employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

Idem

(3) Where a trade union, council of trade unions, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.

Commencement

42.—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(2) Section 15 comes into force on the 1st day of July, 1972.

Idem

(3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.

Short title

43. This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*.

An Act to amend
The Labour Relations Act

1st Reading

June 22nd, 1970

2nd Reading

October 8th, 1970

3rd Reading

MR. BALES

(*Reprinted as amended by the Committee of the Whole House*)

1970

BILL 167

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Labour Relations Act

MR. BALES

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 167 **1970**

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960, c. 202, amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*a*) "accredited employers' organization" means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes an accredited employers' organization", so that the clause shall read as follows: R.S.O. 1960, c. 202, s. 1, subs. 1, cl. *f*, amended

(*f*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 202, s. 1, subs. 1, amended

(*ha*) "professional engineer" means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.

R.S.O. 1960, c. 202, s. 1, subs. 3, amended

(4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65*a*", so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(3) Subject to section 65*a*, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960, c. 202, s. 1, subs. 3, cl. *a*, amended

(5) Clause *a* of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62* is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

(*a*) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960, c. 202, s. 1, amended

(6) The said section 1 is amended by adding thereto the following subsection:

Idem

(4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960, c. 202, s. 5, amended

3. Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem

(1*b*) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45*a*, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof "or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 6, subs. 2, amended

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion. Craft units

(2) The said section 6 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 6, amended

(3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit. Unit of professional engineers

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out "45" in the first line and inserting in lieu thereof "35", and by striking out "55" in R.S.O. 1960, c. 202, s. 7, subs. 2, amended

the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representation vote

(2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960, c. 202, s. 7, subs. 3, re-enacted, subs. 4, repealed

(2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification after vote

(3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, s. 8, subs. 2, amended

6.—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting constituency

(2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960, c. 202, s. 8, subs. 4, amended

(2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of pre-hearing vote

(4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

Application of section

(3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960, c. 202, amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Right of access

8*b*. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union.

R.S.O. 1960, c. 202, s. 9, re-enacted

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor:

Security guards

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards.

R.S.O. 1960, c. 202, amended

9. *The Labour Relations Act* is amended by adding thereto the following section:

Industrial inquiry commission

31*a*—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable.

Composition and powers

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28.

Remuneration and expenses

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate

as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960, c. 202, s. 32, amended

10.—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition of accredited employers' organization

(1*a*) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960, c. 202, s. 32, subs. 2, amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1*a*", so that the subsection shall read as follows:

Addition by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1*a*, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960, c. 202, s. 33, subs. 2, re-enacted

11. Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> "There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960, c. 202, s. 34, subs. 2, amended

12.—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

> Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 34, amended

(7*a*) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances. Substitution of penalty

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force. Application of subs. 2

13.—(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 35, subs. 2, re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where non-member employee cannot be required to be discharged

(*a*) he has been expelled or suspended from membership in the trade union; or

(*b*) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(*c*) was or is a member of another trade union;

(*d*) has engaged in activity against the trade union or on behalf of another trade union;

(*e*) has engaged in reasonable dissent within the trade union;

(*f*) has been discriminated against by the trade union in the application of its membership rules; or

(*g*) has refused to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

R.S.O. 1960, c. 202, s. 35, subs. 4, amended

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows:

Union security provision in first agreement

(4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

. . . . .

R.S.O. 1960, c. 202, amended

14. *The Labour Relations Act* is amended by adding thereto the following section:

Religious objections

35*a*—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

(*a*) objects to joining a trade union; or

(*b*) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause *a* of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that amounts equal to any initiation fees, dues, or other

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board. R.S.C. 1952, c. 148

(2) Subsection 1 applies, Application of subs. 1

(*a*) subject to clause *b*, to employees in the employ of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and

(*b*) where a collective agreement in force when this subsection comes into force contains the provisions mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.

15. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

36*a*. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement. More than one collective agreement prohibited

16.—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 38, subs. 1, amended

Binding effect of collective agreements on employers' organizations

(1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960, c. 202, s. 38, subs. 3, amended

(2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding effect of collective agreements on members or affiliates of councils of trade unions

(3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960, c. 202, s. 40, subs. 1, amended

17. Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

(1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement. Notice of desire to bargain for new collective agreement

18. Subsection 3 of section 41*a* of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 202, s. 41*a*, (1966 c. 76, s. 14), subs. 3, repealed

19.—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out "of all those eligible to vote" in the second line and inserting in lieu thereof "cast", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 43, subs. 4, amended

(4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit. Declaration of termination following vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force. Application of subs. 1

(3) Subsection 5 of the said section 43 is repealed. R.S.O. 1960, c. 202, s. 43, subs. 5, repealed

20.—(1) Subsection 1 of section 45*a* of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after "agreement" in the fourth line "or a recognition agreement as provided for in subsection 3 of section 13" and by inserting after "operation" in the ninth line "or, if no collective agreement has been entered into within one year from the signing of such recognition agreement", so that the subsection shall read as follows: R.S.O. 1960, c. 202 s. 45*a*, (1964, c. 53, s. 5), subs. 1, amended

45*a*.—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing Termination of bargaining rights after voluntary recognition

any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960, c. 202, s. 45*a* (1964, c. 53, s. 5), subs. 4, re-enacted

(2) Subsection 4 of the said section 45*a* is repealed and the following substituted therefor:

(4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960, c. 202, s. 46, amended

21. Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application of subsections 1 and 3

(4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1*b* of section 5.

R.S.O. 1960, c. 202, s. 47*a* (1962-63, c. 70, s. 1), re-enacted

22.—(1) Section 47*a* of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpretation

47*a*.—(1) In this section,

(*a*) "business" includes a part or parts thereof;

(*b*) "sells" includes leases, transfers and any other manner of disposition, and "sold" and "sale" have corresponding meanings.

Successor employer

(2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

Idem

(3) Where an employer on behalf of whose employees a trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council or trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.

Powers of Board

(4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and,

(*a*) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or

(*b*) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*c*) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and

(*d*) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-

ficate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

(5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

(6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,

(*a*) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;

(*b*) determine whether the employees concerned constitute one or more appropriate bargaining units;

(*c*) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and

(*d*) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

Notice to bargain

(7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Powers of Board before disposing of application

(8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate.

Where employer not required to bargain

(9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Effect of notice or declaration

(10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7.

Successor municipalities R.S.O. 1960, c. 98

(11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and,

(*a*) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;

(*b*) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his

businesses with those of another of his businesses; and

(*c*) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

(12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

(2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

23. *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

51*a*. A trade union, or council of trade unions so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

24. Subsection 3 of section 54 of *The Labour Relations Act*, is repealed and the following substituted therefor:

Threatening strike or lock-out

(3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

(4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

(5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

25. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

54*a*.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(*a*) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(*b*) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

26. Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 202, ss 55, 56, re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall council, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful lock-out

27. Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 202, s. 59, amended

(1*a*) Where a trade union has applied for certification and notice thereof from the Board has been received Idem

by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

(*a*) the trade union has given notice under section 11, in which case subsection 1 applies; or

(*b*) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960, c. 202, s. 65, subs. 1 (1966, c. 76, s. 24, subs. 1), amended

28.—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

(*c*) a trade union, council of trade unions, employer, employers' organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 2), cl. *a*, amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966* is amended by inserting after "benefits" in the sixteenth line "which compensation may be assessed against the employer, other person or trade union jointly or severally", so that the clause shall read as follows:

(*a*) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

(3) Subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 1), amended

(*c*) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subss. 5, 6 (1961-62, c. 68, s. 8, subs. 2), re-enacted

(5) Where the trade union, council of trade unions, employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of discrimination

(6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been Effect of settlement

put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1 as the case may be.

R.S.O. 1960, c. 202, amended

29. *The Labour Relations Act* is amended by adding thereto the following section:

"Person" defined for purposes of ss. 59*a*, and 65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 1, amended

30.—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdictional disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of Board's direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

(3) The said section 66 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), amended

(1*b*) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint. Notice to jurisdictional representatives

(1*c*) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint. Meeting of jurisdictional representatives

(1*d*) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1*c*. Filing of settlement with Board

(1*e*) Where a settlement is filed with the Board under subsection 1*d*, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court. Filing of settlement in S.C.O.

(1*f*) Where the designated jurisdictional representatives are notified under subsection 1*b*, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1*c*. Time of inquiry

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 7, amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postponement of inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960, c. 202, s. 66 (1966, c. 76, s. 25), subs. 8, amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no complaint may be made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.

R.S.O. 1960, c. 202, amended

31. *The Labour Relations Act* is amended by adding thereto the following section:

Notice of claim for damages after unlawful strike or lock-out where no collective agreement

68*a*.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

Appointment of arbitration board

(2) The recipient of the notice shall within five days inform the sender of the notice of the name of its appointee to the arbitration board.

Idem

(3) The two appointees so selected shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman.

Idem

(4) If the recipient of the notice fails to name an appointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.

Decision of arbitration board

(5) The arbitration board shall hear and determine the claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,

(*a*) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and

(*b*) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.

Idem

(6) The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

Renumeration of members of board

(7) The chairman and members of the arbitration board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.

Procedure of board

(8) In an arbitration under this section, subsections 5, 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

R.S.O. 1960, c. 202, s. 69, subs. 1, cls. *a*, *b*, re-enacted

32. Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted therefor:

(*a*) if an individual, to a fine of not more than $1,000; or

(*b*) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than $10,000.

R.S.O. 1960, c. 202, s. 73 (1966, c. 76, s. 26), amended

33. Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68*a*", so that the section shall read as follows:

Proceedings in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68*a*, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960, c. 202, s. 75, subs. 3*a* (1961-62, c. 68, s. 10, subs. 1), amended

34.—(1) Subsection *3a* of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction industry division

(*3a*) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960, c. 202, s. 75, amended

(2) The said section 75 is amended by adding thereto the following subsection:

Resignation of member

(*4a*) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960, c. 202, s. 75, subs. 8, re-enacted

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9*a* of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964* is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 75, subs. 9*a* (1961-62, c. 68, s. 10, subs. 3), amended

(9*a*) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules applicable to construction industry

35.—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 202, s. 77, subs. 2, amended

(*k*) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960, c. 202, s. 77, amended

(5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional votes

(6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem

(*a*) the Board may include on a ballot a choice indicating that an employee does not wish to be represented by a trade union; and

(*b*) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

R.S.O. 1960, c. 202, s. 79*a* subs. 2 (1966, c. 76, s. 33), amended

36. Subsection 2 of section 79*a* of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960, c. 202, s. 85, subs. 2, re-enacted

37.—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of making certain applications

(2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960, c. 202, s. 85, subs. 4 (1966, c. 76, s. 35), amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68*a*", so that the subsection shall read as follows:

Failure to receive documents a defence

(4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68*a* sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960, c. 202, s. 88, cl. *f*, amended

38. Clause *f* of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

ing in lieu thereof "66, 68*a* and 107", so that the clause shall read as follows:

(*f*) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68*a* and 107 shall be filed in the Supreme Court.

39. Section 90 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 90 (1961-62 c. 68, s. 16), re-enacted

90. In this section and in sections 91 to 108, Interpretation

(*a*) "council of trade unions" means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;

(*b*) "employee" includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.

(*c*) "employer" means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;

(*d*) "employers' organization" means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;

(*e*) "sector" means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;

(*f*) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960, c. 202, s. 91 (1961-62, c. 68, s. 16), amended

40. Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960, c. 202, amended

41. *The Labour Relations Act* is amended by adding thereto the following sections:

Accreditation of employers' organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition, under section 13, as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to determine appropriateness of unit

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determinations by Board

99.—(1) Upon an application for accreditation the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ

for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

(*b*) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and

(*c*) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Accreditation

(2) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

Authority of employers' organization

(3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

Idem

(4) Where the Board is of the opinion that appropriate authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

What employers' organization not to be accredited

(5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of accreditation

100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of accreditation on collective agreements

(2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

(3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

(4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

(5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

(6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. Idem

(7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. Application of s. 39, subs. 1

101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. Application of s. 38, subss. 1, 2

(2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. Binding effect of collective agreement on employer

(3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. Binding effect of collective agreement on employees

102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the Termination of accreditation

What employers' organization not to be accredited

(5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of accreditation

100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of accreditation on collective agreements

(2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

(3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

(4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

(5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

(6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. Idem

(7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. Application of s. 39, subs. 1

101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. Application of s. 38, subss. 1, 2

(2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. Binding effect of collective agreement on employer

(3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. Binding effect of collective agreement on employees

102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the Termination of accreditation

accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Idem

(2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Determination by Board

(3) Upon an application under subsection 1 or 2, the Board shall ascertain,

(*a*) the number of employers in the unit of employers on the date of the making of the application;

(*b*) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*c*) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration by Board

(4) If the Board is satisfied,

(*a*) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(*b*) that such majority of employers employed a majority of the employees in clause *c* of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

Declaration of termination on abandonment

(5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit.

Effect of declaration

(6) Upon the Board making a declaration under subsection 4 or 5,

(*a*) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

(*b*) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

(*c*) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

Individual bargaining prohibited

103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements to provide employees during lawful strike or lock-out prohibited

(2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, which provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

(3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of fair representation by employers' organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership in employers' organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments which, in the opinion of the Board, are unreasonable or discriminatory.

Direction by Board re unlawful strike

107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

Direction by Board re unlawful lock-out

(2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Enforcement of direction by S.C.O.

(3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court.

Designation of jurisdictional representative

108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, council of trade unions, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work.

Idem

(2) Whenever a trade union, council of trade unions, employer or employers' organization changes the authorization referred to in subsection 1 it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change.

Idem

(3) Where a trade union, council of trade unions, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.

Commencement

42.—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(2) Section 15 comes into force on the 1st day of July, 1972.

Idem

(3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.

Short title

43. This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*.

The Labour Relations Act

1st Reading

June 22nd, 1970

2nd Reading

October 8th, 1970

3rd Reading

November 13th, 1970

MR. BALES

1970

BILL 168

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to incorporate The Northern Ontario Development Corporation

MR. RANDALL

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes the Northern Ontario Development Corporation to perform the function of the Ontario Development Corporation in Northern Ontario.

BILL 168 **1970**

An Act to incorporate The Northern Ontario Development Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the Northern Ontario Development Corporation;

(*c*) "industry" includes any trade or other business undertaking of any kind, and "industrial" has a corresponding meaning;

(*d*) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council designates;

(*e*) "Northern Ontario" means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under subsection 2.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clause *e* of subsection 1 as he considers advisable. Designation of areas

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Northern Ontario Development Corporation, consisting of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council. Northern Ontario Development Corporation established

Vice-chairman of O.D.C. to be member

(2) The vice-chairman of the Ontario Development Corporation is *ex officio* a member of the Corporation.

Seal

(3) The Corporation shall have a seal, which shall be adopted by resolution or by-law.

Fiscal year

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1960, c. 71 does not apply

(5) *The Corporations Act* does not apply to the Corporation.

Board of Directors

3.—(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Quorum

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Management

4.—(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Executive committee

(2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

Quorum

(3) An executive committee may fix its quorum at not less than a majority of its members.

Objects

5. The objects of the Corporation are to encourage and assist in the development and diversification of industry in Northern Ontario, including, without limiting the generality of the foregoing,

(*a*) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;

(*b*) the provision of sites, equipment, premises, facilities and services; and

(*c*) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

Powers

6.—(1) Notwithstanding any other Act, the Corporation for the objects set out in section 5 may, subject to the approval of the Lieutenant Governor in Council,

(*a*) lend money to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;

(*b*) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;

(*c*) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity in Northern Ontario approved under section 5 of *The Department of Trade and Development Act, 1968*; 1968, c. 30

(*d*) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;

(*e*) exercise such ancillary powers as are necessary to carry out its objects.

Application of rescission

(2) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission.

Maximum loans

(3) No loan authorized under clause *c* of subsection 1 shall,

(*a*) exceed one-third of the first $250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or $500,000, whichever is the lesser;

(*b*) be wholly forgiven in less than five years from the date upon which moneys are first advanced.

O.D.C. deemed creditor

1966, c. 100

(4) In respect of a loan under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor and *The Ontario Development Corporation Act, 1966* applies to the loan in the same manner as if the loan were made by the Ontario Development Corporation under that Act.

Validity of guarantee

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever.

Staff of Corporation

1961-62, c. 121

7.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary for the proper conduct of the business of the Corporation.

Superannuation

R.S.O. 1960, c. 332

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Professional and other assistance

8. The Corporation may engage persons other than those appointed under section 7 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons.

Moneys

9. The moneys required for the purposes of this Act shall, during the fiscal year 1970-71, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Limitation of liability

10. No member, officer or employee of the Corporation, or other person acting on behalf of the Corporation is personally liable for anything in good faith done or omitted in the exercise or purported exercise of the powers conferred by this Act.

Audit

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister.

Annual report

12.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require.

R.S.O. 1960, c. 244 not to apply

13. *The Mortgage Brokers Registration Act* does not apply to the Corporation.

Commencement

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Northern Ontario Development Corporation Act, 1970.*

An Act to incorporate
The Northern Ontario
Development Corporation

1st Reading

June 22nd, 1970

2nd Reading

3rd Reading

MR. RANDALL

1970

BILL 168

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to incorporate The Northern Ontario Development Corporation

MR. RANDALL

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 168 **1970**

An Act to incorporate The Northern Ontario Development Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the Northern Ontario Development Corporation;

(*c*) "industry" includes any trade or other business undertaking of any kind, and "industrial" has a corresponding meaning;

(*d*) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council designates;

(*e*) "Northern Ontario" means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under subsection 2.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clause *e* of subsection 1 as he considers advisable. Designation of areas

2.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Northern Ontario Development Corporation, consisting of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council. Northern Ontario Development Corporation established

Vice-chairman of O.D.C. to be member

(2) The vice-chairman of the Ontario Development Corporation is *ex officio* a member of the Corporation.

Seal

(3) The Corporation shall have a seal, which shall be adopted by resolution or by-law.

Fiscal year

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1960, c. 71 does not apply

(5) *The Corporations Act* does not apply to the Corporation.

Board of Directors

3.—(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Quorum

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Management

4.—(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Executive committee

(2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

Quorum

(3) An executive committee may fix its quorum at not less than a majority of its members.

Objects

5. The objects of the Corporation are to encourage and assist in the development and diversification of industry in Northern Ontario, including, without limiting the generality of the foregoing,

(*a*) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;

(*b*) the provision of sites, equipment, premises, facilities and services; and

(*c*) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

Powers

6.—(1) Notwithstanding any other Act, the Corporation for the objects set out in section 5 may, subject to the approval of the Lieutenant Governor in Council,

(*a*) lend money to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;

(*b*) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;

(*c*) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity in Northern Ontario approved under section 5 of *The Department of Trade and Development Act, 1968;* 1968, c. 30

(*d*) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;

(*e*) exercise such ancillary powers as are necessary to carry out its objects.

Application of rescission

(2) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission.

Maximum loans

(3) No loan authorized under clause *c* of subsection 1 shall,

(*a*) exceed one-third of the first $250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or $500,000, whichever is the lesser;

(*b*) be wholly forgiven in less than five years from the date upon which moneys are first advanced.

O.D.C. deemed creditor

1966, c. 100

(4) In respect of a loan under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor and *The Ontario Development Corporation Act, 1966* applies to the loan in the same manner as if the loan were made by the Ontario Development Corporation under that Act.

Validity of guarantee

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever.

Staff of Corporation

1961-62, c. 121

7.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary for the proper conduct of the business of the Corporation.

Superannuation

R.S.O. 1960, c. 332

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Professional and other assistance

8. The Corporation may engage persons other than those appointed under section 7 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons.

Moneys

9. The moneys required for the purposes of this Act shall, during the fiscal year 1970-71, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Limitation of liability

10. No member, officer or employee of the Corporation, or other person acting on behalf of the Corporation is personally liable for anything in good faith done or omitted in the exercise or purported exercise of the powers conferred by this Act.

Audit

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister.

Annual report

12.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require.

R.S.O. 1960, c. 244 not to apply

13. *The Mortgage Brokers Registration Act* does not apply to the Corporation.

Commencement

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Northern Ontario Development Corporation Act, 1970*.

An Act to incorporate
The Northern Ontario
Development Corporation

1st Reading

June 22nd, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 26th, 1970

MR. RANDALL

1970

BILL 169

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting the City of Hamilton

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

Self-explanatory.

BILL 169 **1970**

An Act respecting the City of Hamilton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws re pollution control buildings, etc.

1. The council of The Corporation of the City of Hamilton may pass by-laws for granting to Dominion Foundries and Steel, Limited by way of easement, lease or otherwise the right to construct, maintain and use, on the public highway known as Ottawa Street North in the City of Hamilton, supporting structures for bearing pollution control buildings and equipment and the right to construct, maintain and use pollution control buildings and equipment located over the said Ottawa Street North on such supporting structures, upon such terms and conditions as the council may determine.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Hamilton Act, 1970*.

An Act respecting
the City of Hamilton

1st Reading

June 22nd, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 169

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting the City of Hamilton

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 169 **1970**

An Act respecting the City of Hamilton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws re pollution control buildings, etc.

1. The council of The Corporation of the City of Hamilton may pass by-laws for granting to Dominion Foundries and Steel, Limited by way of easement, lease or otherwise the right to construct, maintain and use, on the public highway known as Ottawa Street North in the City of Hamilton, supporting structures for bearing pollution control buildings and equipment and the right to construct, maintain and use pollution control buildings and equipment located over the said Ottawa Street North on such supporting structures, upon such terms and conditions as the council may determine.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Hamilton Act, 1970*.

An Act respecting
the City of Hamilton

1st Reading

June 22nd, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. MCKEOUGH

1970

BILL 170

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting Senior Citizens Week

MR. CARRUTHERS

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 170 **1970**

An Act respecting Senior Citizens Week

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Senior Citizens Week

1. The council of a municipality may by by-law proclaim the week beginning with the third Sunday in June of each year as Senior Citizens Week to be observed in the municipality for the purpose of encouraging,

(*a*) the recognition of contributions made over the years by aged men and women to the life of Ontario;

(*b*) the appreciation of past and present services rendered by outstanding aged persons, either individually or in associations;

(*c*) the development of special programs and projects by and for the aged in communities throughout Ontario; and

(*d*) the stimulation of general interest in and knowledge of aging and the aged,

and the by-law may proclaim the Saturday culminating Senior Citizens Week as Senior Citizens Day for such purpose.

Government departments and agencies

2. The Department of Social and Family Services shall have responsibility for promoting and encouraging observance of Senior Citizens Week, where proclaimed, and shall include in all co-operative planning with local municipal groups,

(*a*) the United Senior Citizens of Ontario, Incorporated and similar independent groups of retired persons, residents' councils from homes for the aged as well as administrators, board and committee members, elderly persons centres, local social welfare councils, service clubs, libraries, the churches and other civic-minded organizations; and

(*b*) all departments, commissions and other agencies of the Government of Ontario.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Senior Citizens Week Act, 1970*.

An Act respecting
Senior Citizens Week

1st Reading

June 22nd, 1970

2nd Reading

3rd Reading

MR. CARRUTHERS

1970

BILL 171

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

The School Crossing Guards Act, 1970

MR. REID (Scarborough East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Act provides a means of regulating and controlling school crossing guards, and provides guards with limited authority to direct traffic.

BILL 171 **1970**

The School Crossing Guards Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the School Crossing Guards Board.

(*b*) "guard" means a person who is a school crossing guard and who has been appointed as a special constable under *The Police Act*. R.S.O. 1960, c. 298

2. A municipality may appoint a board to be known as the "School Crossing Guards Board", which shall consist of, Members of the Board

(*a*) one representative to be appointed by the police commission of the municipality, or where there is no police commission, by the committee of council in that municipality;

(*b*) one representative to be appointed by the director of the roads department of the municipality, or where there is no roads department by the district engineer of the Department of Highways in that municipality;

(*c*) one representative to be appointed from each of the boards of education in the municipality; and

(*d*) one representative to be appointed from each of the Home and School Associations in the municipality.

3. The Board shall appoint persons to act as guards in the area in which the Board has jurisdiction. Appointment of guards

4. The Board shall establish minimum rates of wages to be paid by the municipality, for all guards, and generally enact provisions with respect to conditions of employment. Wages

Training course to be established

5. The Board shall establish a training course for the training of guards.

Area to be patrolled

6. The Board shall determine which area or areas in the municipality are to be patrolled by a guard or guards, as the case may be.

Power to direct traffic R.S.O. 1960, c. 172

7. Notwithstanding the provisions of *The Highway Traffic Act*, a guard may while he is on duty, stop or direct traffic according to his discretion, for the purpose of assisting children to cross the roadway safely at a crosswalk and every person shall obey his directions.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The School Crossing Guards Act, 1970*.

1st Reading

June 22nd, 1970

2nd Reading

3rd Reading

MR. REID (Scarborough East)

1970

BILL 172

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments are a revision of the provisions respecting the borrowing authority available to municipalities.

BILL 172 **1970**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 282 of *The Municipal Act*, as amended by section 9 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 282, amended

(*3a*) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors, Instalment debentures and debentures to refund existing debentures at maturity R.S.O. 1960, c. 259

(*a*) authorize the borrowing of money by the issue of instalment debentures the last issue of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

. . . . .

Exchange of debentures permitted

R.S.O. 1960, c. 259

(14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully registered debentures

(15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction of debentures surrendered for exchange

(16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and the auditor of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to provide for exchange of debentures

(17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960, c. 249, amended

2. *The Municipal Act* is amended by adding thereto the following section:

Debentures payable on a fixed date

282*a*. Notwithstanding any other provision in this Act,

subject to the annual redemption by lot of a specified principal amount

(*a*) a money by-law of a local municipality having a population of not less than 20,000 as deter-

mined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section; R.S.O. 1960, c. 259

(*b*) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption

(*c*) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased

(*d*) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail

(*e*) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published

(*f*) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the municipality to redeem by where only portion of debentures payable on fixed date

lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual amounts payable to be approximately equal

(*g*) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960, c. 249, s. 284, re-enacted

3. Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960, c. 259

Amounts to be raised annually

(2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

(*a*) a specific amount, sufficient to pay the interest on the debentures; and

(*b*) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts raised annually to be paid to a trustee

(3) Every money by-law passed under this section shall provide that the municipality shall appoint a chartered bank to be the trustee of the sinking fund under the terms of a trustee agreement approved by

the Department, and the annual amount to be raised under clause *b* of subsection 2 shall be paid to such trustee on or before the anniversary date in each year of the currency of the debentures.

Powers of trustee

(4) The trustee shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Authorized investments

(5) The trustee may invest,

(*a*) in securities in which a trustee may invest under the provisions of *The Trustee Act*; R.S.O. 1960, c. 408.

(*b*) in securities issued by the United States of America;

(*c*) in such other securities as are authorized by the Lieutenant Governor in Council;

(*d*) in the debentures to the payment of which the sinking fund is applicable; and

(*e*) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

Annual financial statement to be submitted by trustee

(6) The trustee shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund.

Surplus in sinking fund

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied

by the trustee to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the trustee in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in sinking fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the trustee an amount sufficient to make up the deficiency in the sinking fund.

Disposition of sinking fund at maturity of debentures

(9) At the maturity of the debentures for which the sinking fund was established, the trustee shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960, c. 249, s. 285, subs. 3, re-enacted

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

Approval of Department

(3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed until approved by the Department.

Debentures payable in foreign currency

(4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 100,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.

R.S.O. 1960, c. 259

R.S.O. 1960, c. 249, Pt. XII, amended

5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

293*a*. The Lieutenant Governor in Council may make such regulations with respect to the issue and sale of debentures as he considers necessary for carrying out the purposes of this Part.

6. Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed. R.S.O. 1960, c. 249, ss. 313-316, repealed

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Municipal Amendment Act, 1970 (No. 3)*. Short title

1st Reading

June 26th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 172

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments are a revision of the provisions respecting the borrowing authority available to municipalities.

BILL 172 **1970**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 282 of *The Municipal Act*, as amended by section 9 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 282, amended

(3*a*) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors, Instalment debentures and debentures to refund existing debentures at maturity R.S.O. 1960, c. 259

(*a*) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

. . . . .

Exchange of debentures permitted R.S.O. 1960, c. 259

(14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully registered debentures

(15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction of debentures surrendered for exchange

(16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to provide for exchange of debentures

(17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960, c. 249, amended

2. *The Municipal Act* is amended by adding thereto the following section:

282*a*. Notwithstanding any other provision in this Act,

Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount R.S.O. 1960, c. 259

(*a*) a money by-law of a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest ceases to accrue on date set for redemption

(*b*) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof;

debentures to be redeemed may be purchased

(*c*) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to redeem to be sent by mail

(*d*) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to redeem to be published

(*e*) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only portion of debentures payable on fixed date

(*f*) where only a portion of the debentures issued under a by-law is payable on a fixed date, the

obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual amounts payable to be approximately equal

(*g*) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960, c. 249, s. 284, re-enacted

3. Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960, c. 259

Amounts to be raised annually

(2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

(*a*) a specific amount, sufficient to pay the interest on the debentures; and

(*b*) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts raised annually to be paid to a bank or trust Company

(3) Every money by-law passed under this section shall provide that the municipality shall, under the terms of an agreement approved by the Department, deposit with a chartered bank or a trust company

that is registered under *The Loan and Trust Corporations Act* the annual amount to be raised under clause *b* of subsection 2 and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures. R.S.O. 1960, c. 222

(4) The bank or trust company shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment. Powers of bank or trust company

(5) The bank or trust company may invest, Authorized investments

(*a*) in securities in which a trustee may invest under the provisions of *The Trustee Act*; R.S.O. 1960, c. 408.

(*b*) in securities issued by the United States of America;

(*c*) in such other securities as are authorized by the Lieutenant Governor in Council;

(*d*) in the debentures to the payment of which the sinking fund is applicable; and

(*e*) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

(6) The bank or trust company shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund. Annual financial statement to be submitted by bank or trust company

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied Surplus in sinking fund

by the bank or trust company to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank or trust company in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in sinking fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank or trust company an amount sufficient to make up the deficiency in the sinking fund.

Disposition of sinking fund at maturity of debentures

(9) At the maturity of the debentures for which the sinking fund was established, the bank or trust company shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960, c. 249, s. 285, subs. 3, re-enacted

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

Approval of Department

(3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in the currency of Great Britain or of the United States of America shall be passed until approved by the Department.

Debentures payable in foreign currency

(4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.

R.S.O. 1960, c. 259

R.S.O. 1960, c. 249, Pt. XII, amended

5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

293*a*. The Lieutenant Governor in Council may make such regulations as he considers necessary for carrying out the purposes of this Part.

6. Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed. R.S.O. 1960, c. 249, ss. 313-316, repealed

7. Section 323 of *The Municipal Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 323, amended

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the council may provide that the Debenture Registry Book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council may deem appropriate. When Debenture Registry Book may be maintained outside Canada

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Municipal Amendment Act, 1970 (No. 3)*. Short title

1st Reading

June 26th, 1970

2nd Reading

November 4th, 1970

3rd Reading

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

1970

BILL 172

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 172 **1970**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 282 of *The Municipal Act*, as amended by section 9 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 282, amended

(3*a*) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors, Instalment debentures and debentures to refund existing debentures at maturity R.S.O. 1960, c. 259

(*a*) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

. . . . .

Exchange of debentures permitted R.S.O. 1960, c. 259

(14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully registered debentures

(15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction of debentures surrendered for exchange

(16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to provide for exchange of debentures

(17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960, c. 249, amended

2. *The Municipal Act* is amended by adding thereto the following section:

282*a*. Notwithstanding any other provision in this Act,

Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount R.S.O. 1960, c. 259

(*a*) a money by-law of a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest ceases to accrue on date set for redemption

(*b*) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the municipality for the payment of the principal amount thereof;

debentures to be redeemed may be purchased

(*c*) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to redeem to be sent by mail

(*d*) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to redeem to be published

(*e*) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only portion of debentures payable on fixed date

(*f*) where only a portion of the debentures issued under a by-law is payable on a fixed date, the

obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual amounts payable to be approximately equal

(*g*) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960, c. 249, s. 284, re-enacted

3. Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960, c. 259

Amounts to be raised annually

(2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of

(*a*) a specific amount, sufficient to pay the interest on the debentures; and

(*b*) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts raised annually to be paid to a bank or trust Company

(3) Every money by-law passed under this section shall provide that the municipality shall, under the terms of an agreement approved by the Department, deposit with a chartered bank or a trust company

that is registered under *The Loan and Trust Corporations Act* the annual amount to be raised under clause *b* of subsection 2 and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures. R.S.O. 1960, c. 222

(4) The bank or trust company shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment. Powers of bank or trust company

(5) The bank or trust company may invest, Authorized investments

(*a*) in securities in which a trustee may invest under the provisions of *The Trustee Act*; R.S.O. 1960, c. 408.

(*b*) in securities issued by the United States of America;

(*c*) in such other securities as are authorized by the Lieutenant Governor in Council;

(*d*) in the debentures to the payment of which the sinking fund is applicable; and

(*e*) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

(6) The bank or trust company shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund. Annual financial statement to be submitted by bank or trust company

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied Surplus in sinking fund

by the bank or trust company to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank or trust company in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in sinking fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank or trust company an amount sufficient to make up the deficiency in the sinking fund.

Disposition of sinking fund at maturity of debentures

(9) At the maturity of the debentures for which the sinking fund was established, the bank or trust company shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960, c. 249, s. 285, subs. 3, re-enacted

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

Approval of Department

(3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in the currency of Great Britain or of the United States of America shall be passed until approved by the Department.

Debentures payable in foreign currency

(4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.

R.S.O. 1960, c. 259

R.S.O. 1960, c. 249, Pt. XII, amended

5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

293*a*. The Lieutenant Governor in Council may make such regulations as he considers necessary for carrying out the purposes of this Part.

6. Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed. R.S.O. 1960, c. 249, ss. 313-316, repealed

7. Section 323 of *The Municipal Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 323, amended

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the council may provide that the Debenture Registry Book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council may deem appropriate. When Debenture Registry Book may be maintained outside Canada

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Municipal Amendment Act, 1970 (No. 3)*. Short title

1st Reading

June 26th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. MCKEOUGH

BILL 173

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Vital Statistics Act

MR. WELCH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The provision giving the Deputy Registrar General the rank of Deputy Minister is deleted, bringing the Act into line with administrative practice.

Section 2—Subsections 1 and 2. The provisions deleted provide that where a married woman gives birth to a child while living apart from her husband and with another man who is the father, a county court judge may order the real father to be shown in the registration of the birth. The provision is deleted because the procedure is seldom used and the alternative method in subsection 4*c* of section 6 of the Act is available.

BILL 173 **1970**

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Vital Statistics Act* is amended by striking out "who shall be deemed to be a deputy minister under *The Public Service Act*" in the second, third and fourth lines and by striking out "directly" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 419, s. 4, subs. 1, amended

(1) There shall be a Deputy Registrar General appointed by the Lieutenant Governor in Council who shall have direct supervision of the office of the Registrar General and be responsible to the Registrar General for the conduct of his office and who shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar General. Deputy Registrar General

2.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61* and amended by subsection 1 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is further amended by striking out "subsections 4*a* and" in the amendment of 1962-63 and inserting in lieu thereof "subsection", so that the subsection shall read as follows: R.S.O. 1960, c. 419, s. 6, subs. 4 (1960-61, c. 102, s. 1), amended

(4) Except as provided in subsection 4*c*, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child. Birth of child to married woman

(2) Subsections 4*a* and 4*b* of the said section 6, as enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, are repealed. R.S.O. 1960, c. 419, s. 6, subss. 4*a*, 4*b* (1960-61, c. 102, s. 1), repealed

R.S.O. 1960, c. 419, s. 6, subs. 4c (1962-63, c. 141, s. 1, subs. 2), amended

(3) Subsection 4*c* of the said section 6, as enacted by subsection 2 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is amended by adding "and" at the end of clause *a* and by striking out clauses *c* and *d*, so that the subsection shall read as follows:

Further alternative procedure in certain cases

(4*c*) Where a married woman to whom a child is born files with the division registrar a statutory declaration in the prescribed form,

(*a*) that when the child was conceived she was living separate and apart from her husband; and

(*b*) that her husband is not the father of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

R.S.O. 1960, c. 419, s. 28, subs. 2, re-enacted; subss. 3-6, repealed

3. Subsections 2, 3, 4, 5 and 6 of section 28 of *The Vital Statistics Act* are repealed and the following substituted therefor:

Registration of statement

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar General, the Registrar General, upon receipt of the statement of the divorce, shall register the statement.

R.S.O. 1960, c. 419, s. 29, repealed

4. Section 29 of *The Vital Statistics Act* is repealed.

R.S.O. 1960, c. 419, s. 50, amended

5. Section 50 of *The Vital Statistics Act*, as amended by section 7 of *The Vital Statistics Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Statistics excepted

(2) Nothing in subsection 1 prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Vital Statistics Amendment Act, 1970*.

Subsection 3. The clauses deleted require the mother to declare that she is commonly known under the surname of the father of the child, and that she was living separate and apart from her husband for at least one year before the birth of the child.

SECTION 3. The provisions repealed require the Registrar General to note the dissolution or annulment of a marriage on the marriage registration and require the payment of a fee of 50 cents to the Registrar and local registrars of the Supreme Court for each divorce or annulment reported by him. The requirement that the Registrar General register the fact of the divorce or annulment remains.

SECTION 4. The interprovincial transmission of divorce or annulment decrees has been abandoned by all provinces except Ontario. The amendment deletes the requirement for Ontario.

SECTION 5. The amendment ensures that the provision guaranteeing secrecy of the Registrar General's records does not prevent their use for general statistical purpose.

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WELCH

1970

BILL 173

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Vital Statistics Act

MR. WELCH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 173 **1970**

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Vital Statistics Act* is amended by striking out "who shall be deemed to be a deputy minister under *The Public Service Act*" in the second, third and fourth lines and by striking out "directly" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 419, s. 4, subs. 1, amended

(1) There shall be a Deputy Registrar General appointed by the Lieutenant Governor in Council who shall have direct supervision of the office of the Registrar General and be responsible to the Registrar General for the conduct of his office and who shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar General. Deputy Registrar General

2.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61* and amended by subsection 1 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is further amended by striking out "subsections 4*a* and" in the amendment of 1962-63 and inserting in lieu thereof "subsection", so that the subsection shall read as follows: R.S.O. 1960, c. 419, s. 6, subs. 4 (1960-61, c. 102, s. 1), amended

(4) Except as provided in subsection 4*c*, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child. Birth of child to married woman

(2) Subsections 4*a* and 4*b* of the said section 6, as enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, are repealed. R.S.O. 1960, c. 419, s. 6, subss. 4*a*, 4*b* (1960-61, c. 102, s. 1), repealed

R.S.O. 1960, c. 419, s. 6, subs. 4c (1962-63, c. 141, s. 1, subs. 2), amended

(3) Subsection 4*c* of the said section 6, as enacted by subsection 2 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is amended by adding "and" at the end of clause *a* and by striking out clauses *c* and *d*, so that the subsection shall read as follows:

Further alternative procedure in certain cases

(4*c*) Where a married woman to whom a child is born files with the division registrar a statutory declaration in the prescribed form,

(*a*) that when the child was conceived she was living separate and apart from her husband; and

(*b*) that her husband is not the father of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

R.S.O. 1960, c. 419, s. 28, subs. 2, re-enacted; subss. 3-6, repealed

3. Subsections 2, 3, 4, 5 and 6 of section 28 of *The Vital Statistics Act* are repealed and the following substituted therefor:

Registration of statement

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar General, the Registrar General, upon receipt of the statement of the divorce, shall register the statement.

R.S.O. 1960, c. 419, s. 29, repealed

4. Section 29 of *The Vital Statistics Act* is repealed.

R.S.O. 1960, c. 419, s. 50, amended

5. Section 50 of *The Vital Statistics Act*, as amended by section 7 of *The Vital Statistics Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Statistics excepted

(2) Nothing in subsection 1 prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Vital Statistics Amendment Act, 1970*.

An Act to amend
The Vital Statistics Act

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. WELCH

1970

BILL 174

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Day Nurseries Act, 1966

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Indian bands are placed upon the same footing as municipalities for the purpose of grants respecting day nurseries.

BILL 174 **1970**

An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Day Nurseries Act, 1966*, as re-enacted by section 2 of *The Day Nurseries Amendment Act, 1968-69*, is amended by inserting after "nursery" in the second line "or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon" and by striking out "payment" in the second line and inserting in lieu thereof "payments", so that the subsection shall read as follows: 1966, c. 37, s. 3, subs. 2 (1968-69, c. 23, s. 2), amended

(2) Where a council of the band establishes a day nursery or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality. Grants to Indian bands

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Day Nurseries Amendment Act, 1970*. Short title

An Act to amend
The Day Nurseries Act, 1966

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. YAREMKO

1970

BILL 174

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Day Nurseries Act, 1966

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 174 **1970**

An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Day Nurseries Act, 1966*, as re-enacted by section 2 of *The Day Nurseries Amendment Act, 1968-69*, is amended by inserting after "nursery" in the second line "or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon" and by striking out "payment" in the second line and inserting in lieu thereof "payments", so that the subsection shall read as follows: 1966, c. 37, s. 3, subs. 2 (1968-69, c. 23, s. 2), amended

(2) Where a council of the band establishes a day nursery or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality. Grants to Indian bands

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Day Nurseries Amendment Act, 1970*. Short title

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. YAREMKO

1970

BILL 175

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The General Welfare Assistance Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Subject to the approval of the county council and the Director of the General Welfare Assistance Branch, an Indian band may form part of a county for the purpose of administering assistance under the Act.

BILL 175 **1970**

An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The General Welfare Assistance Act*, as amended by section 8 of *The General Welfare Assistance Amendment Act, 1967*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 164, s. 10, amended

(*3a*) A band may, with the approval of the council of a county and the Director, form part of the county for the purpose of the administration of assistance. County administration

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The General Welfare Assistance Amendment Act, 1970*. Short title

An Act to amend
The General Welfare Assistance Act

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. YAREMKO

1970

BILL 175

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The General Welfare Assistance Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 175 **1970**

An Act to amend The General Welfare Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The General Welfare Assistance Act*, as amended by section 8 of *The General Welfare Assistance Amendment Act, 1967*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 164, s. 10, amended

(*3a*) A band may, with the approval of the council of a county and the Director, form part of the county for the purpose of the administration of assistance. County administration

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The General Welfare Assistance Amendment Act, 1970*. Short title

An Act to amend
The General Welfare Assistance Act

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

MR. YAREMKO

1970

BILL 176

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The District Welfare Administration Boards Act, 1962-63

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. Self-explanatory.

Subsection 3. The definition of municipality is enlarged to include an Indian band.

SECTION 2. The provision and administration of welfare services by a board may be extended to an Indian band.

BILL 176 **1970**

An Act to amend The District Welfare Administration Boards Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1966* and section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: 1962-63, c. 37, s. 1 amended

(*a*) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada). R.S.C. 1952, c. 149

(2) Clause *d* of the said section 1 is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". 1962-63, c. 37, s. 1, cl. *d*, amended

(3) Clause *e* of the said section 1, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by striking out "or" in the first line and by inserting after "district" in the second line "or band", so that the clause shall read as follows: 1962-63, c. 37, s. 1, cl. *e*, amended

(*e*) "municipality" means a city, town, village, township, improvement district or band to which this Act applies as determined under section 2.

2. Subsection 2 of section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1962-63, c. 37, s. 2 (1968-69, c. 29, s. 2), subs. 2, re-enacted

City or band in a district

(2) Any city or band in a district where a board is established may, at the request of the council of the city or band, as the case may be, and with the approval of the board and the Director of the General Welfare Assistance Branch of the Department of Social and Family Services, be a municipality to which this Act applies.

1962-63, c. 37, s. 3, subs. 1, re-enacted

3. Subsection 1 of section 3 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor:

Establishment of district welfare administration board

(1) A district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those municipalities in the district.

1962-63, c. 37, s. 6, re-enacted

4. Section 6 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 4 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Assessment to be revised and equalized

6.—(1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities, other than bands, in each district for which a board is established and in so doing shall, where applicable, add to the valuation of each municipality,

1968-69, c. 6

(*a*) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act and;

R.S.O. 1960, c. 249

(*b*) the amounts credited to the municipality under section 294*b* of *The Municipal Act*.

Appeal

(2) Any municipality in a district, other than a band, that is not satisfied with the last revised assessment of any municipality in the district, as equalized for the purpose of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs, as varied by any amounts added in accordance with subsection 1, at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

SECTION 3. The intent of the subsection is clarified.

SECTION 4. The re-enacted section clarifies the manner in which the expenditures of a district welfare administration board are apportioned among the participating municipalities.

(3) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization. Idem

(4) Subject to sections 6*a* and 6*b*, each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amounts that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality. Estimates and apportionment

(5) Subject to sections 6*a* and 6*b*, where a board, after giving notice of its estimated expenditures under subsection 4, incurs during that year, additional costs for welfare services or for the administration of welfare services that were not anticipated at the time that the said notice was given, such additional costs shall be apportioned among the municipalities in accordance with subsection 4 and the board shall notify the clerk of each such municipality of the additional amount to be provided by that municipality during the year. Where additional costs incurred

(6) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year. Reserve for working funds

(7) Where the actual expenditures of a board for any year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the next following year, Estimates

(*a*) make due allowance for any surplus that will be available from the preceding year; or

(*b*) provide for any deficit of the preceding year.

(8) Each municipality shall pay the amounts required to be provided by it under this section, or determined by agreement under section 6*a*, to the board on demand. Payment by municipalities

Penalty

(9) A board may impose on a municipality a percentage charge as a penalty for non-payment of amounts payable under this section not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues.

Where assessments not equalized in time

(10) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Where equalized assessment appealed

(11) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

1962-63, c. 37, amended

5. *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following sections:

Expenditures incurred in respect of band to be paid under agreement

6*b*. Notwithstanding sections 6 and 6*a*, where a band in a district is a municipality to which this Act applies, the amount or any part thereof required by the board for the provision of welfare services to the members of the band, including the expenses incurred for the administration of such services, shall not be apportioned among the municipalities in the district in accordance with section 6 or 6*a*, but shall be paid by the council of the band to the board in accordance with an agreement in writing approved by the Minister between the board and the council of the band.

Power of board to borrow for current expenditures

6*c*.—(1) Subject to subsection 2, a board may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received.

Maximum borrowings

(2) The amount that may be borrowed at any one time for the purpose mentioned in subsection 1 together

SECTION 5. The expense of providing welfare services to an Indian band is not to be apportioned among the municipalities but is to be paid by the council of the band to the board in accordance with such agreement as the Minister may approve.

Provision is made for temporary borrowing by a board.

SECTION 6. The amendment deletes the reference to a per capita grant and makes it clear that the amount of the first year grant to a board is to be determined by regulation.

SECTIONS 7 and 8. Complementary to section 6 of the Bill.

with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the current year.

(3) Until the estimates of the board for the current year under section 6 have been determined, the limitation upon borrowing prescribed in subsection 2 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. Idem

6. Subsection 1 of section 7 of *The District Welfare Administration Boards Act, 1962-63* is amended by striking out "a per capita grant in accordance with the population of each municipality in the district in the amount prescribed by" in the fourth, fifth and sixth lines and inserting in lieu thereof "a grant in an amount determined in accordance with" and by striking out "for that district" in the sixth line, so that the subsection shall read as follows: 1962-63, c. 37, s. 7, subs. 1, amended

(1) In the first year in which a board is established for a district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the board of a grant in an amount determined in accordance with the regulations to assist the board to carry out the purposes of this Act during the first year. Provincial grant for first year

7. Section 8 of *The District Welfare Administration Boards Act, 1962-63* is repealed. 1962-63, c. 37, s. 8, repealed

8. Clause *c* of section 9 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 37, s. 9, cl. *c*, re-enacted

(*c*) prescribing the manner of determining the amount of a grant for a district for the purposes of section 7.

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1970.* Short title

An Act to amend The District Welfare Administration Boards Act, 1962-63

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. YAREMKO

1970

BILL 176

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The District Welfare Administration Boards Act, 1962-63

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 176 **1970**

An Act to amend The District Welfare Administration Boards Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1966* and section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: 1962-63, c. 37, s. 1 amended

(*a*) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada). R.S.C. 1952, c. 149

(2) Clause *d* of the said section 1 is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". 1962-63, c. 37, s. 1, cl. *d*, amended

(3) Clause *e* of the said section 1, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by striking out "or" in the first line and by inserting after "district" in the second line "or band", so that the clause shall read as follows: 1962-63, c. 37, s. 1, cl. *e*, amended

(*e*) "municipality" means a city, town, village, township, improvement district or band to which this Act applies as determined under section 2.

2. Subsection 2 of section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1962-63, c. 37, s. 2 (1968-69, c. 29, s. 2), subs. 2, re-enacted

City or band in a district

(2) Any city or band in a district where a board is established may, at the request of the council of the city or band, as the case may be, and with the approval of the board and the Director of the General Welfare Assistance Branch of the Department of Social and Family Services, be a municipality to which this Act applies.

1962-63, c. 37, s. 3, subs. 1, re-enacted

3. Subsection 1 of section 3 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor:

Establishment of district welfare administration board

(1) A district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those municipalities in the district.

1962-63, c. 37, s. 6, re-enacted

4. Section 6 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 4 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Assessment to be revised and equalized

6.—(1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities, other than bands, in each district for which a board is established and in so doing shall, where applicable, add to the valuation of each municipality,

1968-69, c. 6

(*a*) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act and;

R.S.O. 1960, c. 249

(*b*) the amounts credited to the municipality under section 294*b* of *The Municipal Act*.

Appeal

(2) Any municipality in a district, other than a band, that is not satisfied with the last revised assessment of any municipality in the district, as equalized for the purpose of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs, as varied by any amounts added in accordance with subsection 1, at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

(3) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization. Idem

(4) Subject to sections 6*a* and 6*b*, each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amounts that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality. Estimates and apportionment

(5) Subject to sections 6*a* and 6*b*, where a board, after giving notice of its estimated expenditures under subsection 4, incurs during that year, additional costs for welfare services or for the administration of welfare services that were not anticipated at the time that the said notice was given, such additional costs shall be apportioned among the municipalities in accordance with subsection 4 and the board shall notify the clerk of each such municipality of the additional amount to be provided by that municipality during the year. Where additional costs incurred

(6) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year. Reserve for working funds

(7) Where the actual expenditures of a board for any year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the next following year, Estimates

(*a*) make due allowance for any surplus that will be available from the preceding year; or

(*b*) provide for any deficit of the preceding year.

(8) Each municipality shall pay the amounts required to be provided by it under this section, or determined by agreement under section 6*a*, to the board on demand. Payment by municipalities

Penalty

(9) A board may impose on a municipality a percentage charge as a penalty for non-payment of amounts payable under this section not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues.

Where assessments not equalized in time

(10) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Where equalized assessment appealed

(11) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

1962-63, c. 37, amended

5. *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following sections:

Expenditures incurred in respect of band to be paid under agreement

6*b*. Notwithstanding sections 6 and 6*a*, where a band in a district is a municipality to which this Act applies, the amount or any part thereof required by the board for the provision of welfare services to the members of the band, including the expenses incurred for the administration of such services, shall not be apportioned among the municipalities in the district in accordance with section 6 or 6*a*, but shall be paid by the council of the band to the board in accordance with an agreement in writing approved by the Minister between the board and the council of the band.

Power of board to borrow for current expenditures

6*c*.—(1) Subject to subsection 2, a board may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received.

Maximum borrowings

(2) The amount that may be borrowed at any one time for the purpose mentioned in subsection 1 together

with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the current year.

(3) Until the estimates of the board for the current year under section 6 have been determined, the limitation upon borrowing prescribed in subsection 2 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. Idem

6. Subsection 1 of section 7 of *The District Welfare Administration Boards Act, 1962-63* is amended by striking out "a per capita grant in accordance with the population of each municipality in the district in the amount prescribed by" in the fourth, fifth and sixth lines and inserting in lieu thereof "a grant in an amount determined in accordance with" and by striking out "for that district" in the sixth line, so that the subsection shall read as follows: 1962-63, c. 37, s. 7, subs. 1, amended

(1) In the first year in which a board is established for a district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the board of a grant in an amount determined in accordance with the regulations to assist the board to carry out the purposes of this Act during the first year. Provincial grant for first year

7. Section 8 of *The District Welfare Administration Boards Act, 1962-63* is repealed. 1962-63, c. 37, s. 8, repealed

8. Clause *c* of section 9 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 37, s. 9, cl. *c*, re-enacted

(*c*) prescribing the manner of determining the amount of a grant for a district for the purposes of section 7.

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1970.* Short title

Administration Boards Act, 1962-63

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

MR. YAREMKO

1970

BILL 177

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The Bill implements the recommendations of the Rand Report concerning labour injunctions.

BILL 177 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 197, s. 17, re-enacted

17.—(1) In this section, "labour dispute" means a dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. Interpretation

(2) Subject to subsection 7, no injunction to restrain a person from any act in connection with a labour dispute shall be granted *ex parte*. No *ex parte* applications for injunctions

(3) In every application for an injunction to restrain a person from any act in connection with a labour dispute, the court must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful. Steps before application for injunction

(4) Subject to subsection 7, evidence in support of an application for an injunction to restrain a person from any act in connection with a labour dispute shall be provided by way of affidavits confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party Evidence

filing such affidavit, together with the proper conduct money, require the attendance of the deponent to be cross-examined at the hearing of the motion.

Notice of application for interim injunction

(5) An interim injunction to restrain a person from any act in connection with a labour dispute may be granted for a period of not longer than four days and, subject to subsection 7, only after two days notice of the application therefor has been given to the person or persons named in the application.

Idem

(6) At least two days notice of an application for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the persons affected thereby and not named in the application,

(*a*) where such persons are members of a labour organization, by personal service upon an officer or agent of the labour organization; and

(*b*) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Idem

(7) Where notice as required by subsections 5 and 6 is not given, the court may grant an interim injunction where,

(*a*) the case is otherwise a proper one for the granting of an interim injunction; and

(*b*) notice as required by subsections 5 and 6 could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service; and

(*c*) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 63*a* of *The Labour*

R.S.O. 1960, c. 202

Relations Act, to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

(*d*) proof of all material facts for the purposes of clauses *a*, *b* and *c* is established by *viva voce* evidence.

Misrepresentation as contempt of court

(8) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly provided by or on behalf of the applicant for an injunction under this section, constitutes a contempt of court.

Appeal

(9) Any judgment or order in an application under this section may be appealed to the Court of Appeal.

Application

2. This Act does not apply in respect of actions for an injunction commenced before this Act comes into force.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Judicature Amendment Act, 1970* (*No. 2.*).

The Judicature Act

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 177

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 177 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 197, s. 17, re-enacted

17.—(1) In this section, "labour dispute" means a dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. Interpretation

(2) Subject to subsection 7, no injunction to restrain a person from any act in connection with a labour dispute shall be granted *ex parte*. No *ex parte* applications for injunctions

(3) In every application for an injunction to restrain a person from any act in connection with a labour dispute, the court must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful. Steps before application for injunction

(4) Subject to subsection 7, evidence in support of an application for an injunction to restrain a person from any act in connection with a labour dispute shall be provided by way of affidavits confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party Evidence

filing such affidavit, together with the proper conduct money, require the attendance of the deponent to be cross-examined at the hearing of the motion.

Notice of application for interim injunction

(5) An interim injunction to restrain a person from any act in connection with a labour dispute may be granted for a period of not longer than four days and, subject to subsection 7, only after two days notice of the application therefor has been given to the person or persons named in the application.

Idem

(6) At least two days notice of an application for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the persons affected thereby and not named in the application,

(*a*) where such persons are members of a labour organization, by personal service upon an officer or agent of the labour organization; and

(*b*) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Idem

(7) Where notice as required by subsections 5 and 6 is not given, the court may grant an interim injunction where,

(*a*) the case is otherwise a proper one for the granting of an interim injunction; and

(*b*) notice as required by subsections 5 and 6 could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service; and

(*c*) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 63*a* of *The Labour*

R.S.O. 1960, c. 202

Relations Act, to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

(*d*) proof of all material facts for the purposes of clauses *a*, *b* and *c* is established by *viva voce* evidence.

Misrepresentation as contempt of court

(8) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly provided by or on behalf of the applicant for an injunction under this section, constitutes a contempt of court.

Appeal

(9) Any judgment or order in an application under this section may be appealed to the Court of Appeal.

Application

2. This Act does not apply in respect of actions for an injunction commenced before this Act comes into force.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Judicature Amendment Act, 1970 (No. 2.)*.

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

MR. WISHART

1970

BILL 178

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The amendment increases the number of High Court judges to thirty-one.

BILL 178 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1970*, is further amended by striking out "thirty" in the amendment of 1970 and inserting in lieu thereof "thirty-one", so that the subsection shall read as follows: R.S.O. 1960, c. 197, s. 5, subs. 1, amended

(1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and thirty-one other judges. High Court of Justice

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Judicature Amendment Act, 1970* (*No. 3*). Short title

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 178

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 178 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1970*, is further amended by striking out "thirty" in the amendment of 1970 and inserting in lieu thereof "thirty-one", so that the subsection shall read as follows: R.S.O. 1960, c. 197, s. 5, subs. 1, amended

(1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and thirty-one other judges. High Court of Justice

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Judicature Amendment Act, 1970* (*No. 3*). Short title

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. WISHART

1970

BILL 179

3rd Session, 28th Legislature, Ontario
19 Elizabeth II, 1970

An Act to amend The Statutes Revision Act, 1968-69

Mr. Wishart

TORONTO
Printed and Published by William Kinmond, Queen's Printer and Publisher

Explanatory Notes

Section 2, at present, requires the commissioners to include in the R.S.O. 1970, Acts in the R.S.O. 1960 and the public general statutes enacted after the 31st day of December, 1960, and before the 1st day of August, 1970. With the possibility of the session in 1970 extending into December, it is necessary to extend the period to the end of the year so that all Acts passed at the 1970 session will be included in the R.S.O. 1970.

The R.S.O. 1970 will, therefore, be brought into force in 1971 as soon as the printing thereof can be completed.

During the period between the 31st day of December, 1970, and the coming into force of the R.S.O. 1970 in 1971, certain Acts will be amended at the 1971 session of the Legislature by reference to the Acts in the R.S.O. 1960 and the annual volumes. These Acts will be repealed when R.S.O. 1970 comes into force and it is, therefore, necessary to make the corresponding amendments to the R.S.O. 1970.

The new section *3a* will accomplish this without resorting to the confusing practice used in Ontario in relation to the 1960 revision of introducing Bills having two parts, one part to amend the statutes then in force and one part to amend the R.S.O. 1960.

BILL 179 **1970**

An Act to amend The Statutes Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Statutes Revision Act, 1968-69* is amended by striking out "1st day of August 1970" in the fourth line and inserting in lieu thereof "1st day of January, 1971", so that the section shall read as follows: 1968-69, c. 120, s. 2, amended

2. The commissioners shall examine the Revised Statutes of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of January, 1971, and shall arrange, consolidate and revise such statutes in accordance with this Act. Duties

2. *The Statutes Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. 120, amended

3a. Where an Act is amended or re-enacted after the 31st day of December, 1970, and before the Revised Statutes of Ontario, 1970 come into force and such Act is in the Revised Statutes of Ontario, 1970, Correction of reference to Acts included in R.S.O. 1970 that were amended after Dec. 31, 1970, and before R.S.O. 1970 in force

(*a*) such Act as it appears in the Revised Statutes of Ontario, 1970 shall be deemed to be amended or re-enacted correspondingly; and

(*b*) the commissioners shall cause the appropriate changes to be made in the Acts passed during such period.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Statutes Revision Amendment Act, 1970*. Short title

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 179

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Statutes Revision Act, 1968-69

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 179 **1970**

An Act to amend The Statutes Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Statutes Revision Act, 1968-69* is amended by striking out "1st day of August, 1970" in the fourth line and inserting in lieu thereof "1st day of January, 1971", so that the section shall read as follows: 1968-69, c. 120, s. 2, amended

2. The commissioners shall examine the Revised Statutes of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of January, 1971, and shall arrange, consolidate and revise such statutes in accordance with this Act. Duties

2. *The Statutes Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. 120, amended

3*a*. Where an Act is amended or re-enacted after the 31st day of December, 1970, and before the Revised Statutes of Ontario, 1970 come into force and such Act is in the Revised Statutes of Ontario, 1970, Correction of reference to Acts included in R.S.O. 1970 that were amended after Dec. 31, 1970, and before R.S.O. 1970 in force

(*a*) such Act as it appears in the Revised Statutes of Ontario, 1970 shall be deemed to be amended or re-enacted correspondingly; and

(*b*) the commissioners shall cause the appropriate changes to be made in the Acts passed during such period.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Statutes Revision Amendment Act, 1970*. Short title

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. WISHART

BILL 180

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regulations Revision Act, 1968-69

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The Regulations Revision Act, 1968-69 provides for the consolidation and revision of the Revised Regulations of Ontario, 1960 and of all regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970. Regulations will be filed in the first part of 1971 and before the Revised Regulations of Ontario, 1970 come into force and provision is required to integrate such regulations with the R.R.O. 1970. The amendment authorizes the commissioners to make the appropriate changes in the regulations filed in that period and to cause such revised regulations to be published in *The Ontario Gazette* immediately following the day the Revised Regulations of Ontario, 1970 come into force. The regulations when so published will be deemed to be filed on the day the R.R.O. 1970 come into force, so that the four volumes of the R.R.O. 1970, together with the regulations so published, will comprise all extant regulations filed under *The Regulations Act* as of the date the R.R.O. 1970 comes into force.

BILL 180 **1970**

An Act to amend The Regulations Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. 111, amended

3*a*.—(1) Where a regulation is filed under *The Regulations Act* on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1970, Regulations filed on and after Dec. 31st, 1970 and before day R.R.O. 1970 in force to be revised and published

(*a*) the regulation as it appears in the Revised Regulations of Ontario, 1970 shall be deemed to be amended, remade or referred to correspondingly; and

(*b*) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1970 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

(2) Upon the publication of the regulations mentioned in subclause ii of clause *b* of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations Effect of publication R.S.O. 1960, c. 349

of Ontario, 1970 come into force and the regulation filed on or after the 31st day of December, 1970 an before the Revised Regulations of Ontario, 197 come into force are revoked on the day the Revise Regulations of Ontario, 1970 come into force.

1968-69, c. 111, s. 5, subs. 2, re-enacted

2. Subsection 2 of section 5 of *The Regulations Revisio Act, 1968-69*, is repealed and the following substituted therefor

Idem

(2) On and after the day so proclaimed,

(*a*) all regulations contained in the Revise Regulations of Ontario, 1960; and

(*b*) all regulations filed under *The Regulations Ac* after the 1st day of January, 1961, and befor the 31st day of December, 1970,

are revoked.

Commencement

3. This Act comes into force on the day it receives Roya Assent.

Short title

4. This Act may be cited as *The Regulations Revisio Amendment Act, 1970*.

1968-69

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 180

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regulations Revision Act, 1968-69

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 180 **1970**

An Act to amend The Regulations Revision Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. 111, amended

3a.—(1) Where a regulation is filed under *The Regulations Act* on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1970, Regulations filed on and after Dec. 31st, 1970 and before day R.R.O. 1970 in force to be revised and published

(*a*) the regulation as it appears in the Revised Regulations of Ontario, 1970 shall be deemed to be amended, remade or referred to correspondingly; and

(*b*) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1970 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

(2) Upon the publication of the regulations mentioned in subclause ii of clause *b* of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations Effect of publication R.S.O. 1960, c. 349

of Ontario, 1970 come into force and the regulation filed on or after the 31st day of December, 1970 an before the Revised Regulations of Ontario, 197 come into force are revoked on the day the Revise Regulations of Ontario, 1970 come into force.

1968-69, c. 111, s. 5, subs. 2, re-enacted

2. Subsection 2 of section 5 of *The Regulations Revisio Act, 1968-69*, is repealed and the following substituted therefo

Idem

(2) On and after the day so proclaimed,

(*a*) all regulations contained in the Revise Regulations of Ontario, 1960; and

(*b*) all regulations filed under *The Regulations A* after the 1st day of January, 1961, and befor the 31st day of December, 1970,

are revoked.

Commencement

3. This Act comes into force on the day it receives Roya Assent.

Short title

4. This Act may be cited as *The Regulations Revisio Amendment Act, 1970.*

1968-69

1st Reading

October 6th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. WISHART

1970

BILL 181

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Milk Act, 1965

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The new subsection 2*a* clarifies the authority of the Milk Commission of Ontario to order the payment of moneys in certain cases.

The new subsection 2*b* provides for the enforcement of orders made under subsection 2*a*.

Section 2. Subsection 1 of section 22 of the Act is re-enacted to extend its application to minimum prices for milk determined by the Ontario Milk Marketing Board and to provide that the amount of the penalty payable shall be reduced by the amount of any payment made under an order of the Commission.

BILL 181 **1970**

An Act to amend The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Milk Act, 1965* is amended by adding thereto the following subsections: 1965, c. 72, s. 4, amended

(2*a*) The Commission may, upon any inquiry, investigation or arbitration under clause *a* or *b* of subsection 2, order the payment by any person engaged in producing, processing or marketing milk or milk products, to any other person engaged therein, of moneys, in an amount to be fixed by the Commission, that are payable to such other person by reason of a failure on the part of the person to whom the order is directed to fulfil any obligation imposed upon him by or under this Act or any regulation, plan, award or agreement or by any order or direction of the Commission or a marketing board. Order for payment of moneys to producers, etc.

(2*b*) The Commission may file a certified copy of any order made under subsection 2*a*, exclusive of any reasons therefor, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of order

2. Subsection 1 of section 22 of *The Milk Act, 1965* is repealed and the following substituted therefor: 1965, c. 72, s. 22, subs. 1, re-enacted

(1) Every person who fails to pay at least the minimum price established for a regulated product or for milk or cream in an agreement or award filed with the Commission or the price of a regulated product determined by a marketing board is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum Additional penalty for failure to pay minimum price

or determined price, less any amount paid by such person as payment in full or in part for such regulated product, milk or cream, and less any amount paid by such person for such regulated product, milk or cream pursuant to an order of the Commission under subsection 2*a* of section 4.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Milk Amendment Act, 1970*.

1st Reading

October 6th, 1970

2nd Reading

3rd Reading

MR. STEWART

1970

BILL 181

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Milk Act, 1965

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 181 **1970**

An Act to amend The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Milk Act, 1965* is amended by adding thereto the following subsections: 1965, c. 72, s. 4, amended

(2*a*) The Commission may, upon any inquiry, investigation or arbitration under clause *a* or *b* of subsection 2, order the payment by any person engaged in producing, processing or marketing milk or milk products, to any other person engaged therein, of moneys, in an amount to be fixed by the Commission, that are payable to such other person by reason of a failure on the part of the person to whom the order is directed to fulfil any obligation imposed upon him by or under this Act or any regulation, plan, award or agreement or by any order or direction of the Commission or a marketing board. Order for payment of moneys to producers, etc.

(2*b*) The Commission may file a certified copy of any order made under subsection 2*a*, exclusive of any reasons therefor, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of order

2. Subsection 1 of section 22 of *The Milk Act, 1965* is repealed and the following substituted therefor: 1965, c. 72, s. 22, subs. 1, re-enacted

(1) Every person who fails to pay at least the minimum price established for a regulated product or for milk or cream in an agreement or award filed with the Commission or the price of a regulated product determined by a marketing board is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum Additional penalty for failure to pay minimum price

or determined price, less any amount paid by such person as payment in full or in part for such regulated product, milk or cream, and less any amount paid by such person for such regulated product, milk or cream pursuant to an order of the Commission under subsection 2*a* of section 4.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Milk Amendment Act, 1970*.

1st Reading

October 6th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

MR. STEWART

1970

BILL 182

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2—Subsection 1. The intent of the clause is clarified.

Subsection 2. The amended clause makes it clear that the objects of a society include assistance to the parents of a child who is about to be born out of wedlock.

SECTION 3. Complementary to section 4 of the Bill.

BILL 182 **1970**

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 1, cl. *e*, amended

2.—(1) Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned" in the first line "or committed". 1965, c. 14, s. 6, subs. 2, cl. *d*, amended

(2) Clause *g* of subsection 2 of the said section 6 is repealed and the following substituted therefor: 1965, c. 14, s. 6, subs. 2, cl. *g*, re-enacted

(*g*) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows: 1965, c. 14, s. 9, subs. 1, amended

(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures. Approval by council

(2) Subsection 2 of the said section 9, as amended by subsection 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor: 1965, c. 14, s. 9, subs. 2, re-enacted

Submission to Minister

(2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by Director

(3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by Minister

(4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by Minister

(5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14, s. 11, re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference to child welfare review committee

11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

(2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

SECTION 4. The re-enacted section provides for the establishment of *ad hoc* child welfare review committees in cases of disagreement respecting a society's estimate of expenditures, composed of a chairman appointed by the Minister and one member appointed on behalf of the society and one member appointed by the municipality or the district child welfare budget board. The committee will inquire into the matters in dispute and make its findings to the Minister who will make the final determination.

(*a*) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or

(*b*) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

Composition of committee

(3) Where the Minister receives a request under subsection 1 or 2, he shall forthwith,

(*a*) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

(*b*) request by notice in writing that,

(i) one member be appointed to the committee by the Association of Children's Aid Societies, and

(ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

Notice

(4) When the members have been appointed under clause *b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned.

Joint appointment to committee

(5) Where a children's aid society has jurisdiction in more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities.

Failure to appoint member

(6) Where a party who receives a notice to appoint a member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister may, in the place of the party who failed to make the appointment, appoint the member to the committee.

Procedure

(7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.

Evidence

(8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.

Findings of committee

(9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.

Decision of Minister

(10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

Notice

(11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.

1965, c. 14, s. 13, re-enacted

5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Capital grants

13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

SECTION 5. The re-enacted section will permit the payment of capital grants by instalments at the times and in the manner prescribed by the regulations.

SECTION 6—Subsection 1. The intent of the subclause is clarified.

Subsection 2. The definition of "judge" is brought into line with *The Provincial Courts Act, 1968*.

(*a*) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(*b*) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.

Idem

(2) Where the erection of a new building or an addition to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed.

Idem

(3) Where the acquisition of an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed.

Time and manner of payment

(4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

1965, c. 14, s. 19, subs. 1, cl. *b*, subcl. i, amended

6.—(1) Subclause i of clause *b* of subsection 1 of section 19 of *The Child Welfare Act, 1965* is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

(i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

1965, c. 14, s. 19, subs. 1, cl. *d*, re-enacted

(2) Clause *d* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(*d*) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14, s. 19, subs. 1, cl. *f*, re-enacted

(3) Clause *f* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(*f*) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14, s. 19, subs. 2, re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom cases are to be heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14, s. 19, subs. 4, amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14, s. 19, amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14, s. 23, subs. 1, amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention limited

(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be

Subsection 3. The definition of "place of safety" is expanded and clarified.

Subsection 4. Complementary to subsection 2.

Subsection 5. The amendment makes it clear that the Official Guardian is guardian *ad litem* of the parent unless the judge appoints some other person.

Subsection 6. Self-explanatory.

SECTION 7. The amendment permits the return of a child to the person in whose charge he was at the time of apprehension where that person was not the parent of the child, and reduces the time for returning the child or bringing him before a judge from ten days to five.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. Complementary to subsection 3.

Subsection 3. The new subsection substitutes the Director for the municipality as the one to receive notice of an impending hearing under this section where the child is the child of an unmarried mother.

Subsection 4. Self-explanatory.

Subsection 5. The judge is empowered to dispense with service of notice of a hearing under this section under certain conditions; where notice is dispensed with, the child may not be made a Crown ward or a ward of a society for longer than thirty days, except after a further hearing.

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" in the seventh line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 3, amended

(2) Subsection 4 of the said section 24 is amended by adding at the commencement thereof "Subject to subsection 4*a*", so that the subsection shall read as follows: 1965, c. 14, s. 24, subs. 4, amended

(4) Subject to subsection 4*a*, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(3) The said section 24 is amended by adding thereto the following subsection: 1965, c. 14, s. 24, amended

(4*a*) Where the child is a child of an unmarried mother, the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care. Idem

(4) Subsection 5 of the said section 24 is amended by striking out "Public Welfare" in the fifth line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 5, amended

(5) The said section 24 is amended by adding thereto the following subsections: 1965, c. 14, s. 24, amended

(5*a*) Where in the opinion of the judge, Judge may dispense with notice

(*a*) prompt service of any notice required under subsection 4, 4*a* or 5 cannot be effected; and

(*b*) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4*a* or 5, as the case may be.

(5*b*) Where the requirements of subsection 4, 4*a* or 5 have been dispensed with, the judge shall not make an order committing the child as a ward of the Limitation where notice dispensed with

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4*a* or 5, as the case may be, apply.

1965, c. 14, s. 24, subs. 7, repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14, s. 25, cl. *a*, re-enacted

9. Clause *a* of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

(*a*) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

. . . . . .

1965, c. 14, s. 30, amended

10. Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-application before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14, s. 31, subs. 2, repealed

11. Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14, s. 34, amended

12. Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge

Subsection 6. The repealed section is redundant by reason of *The Administration of Justice Act, 1968*.

SECTION 9. The re-enacted clause fixes the time during which a child returned to his parent or other person may be made subject to the supervision of a society without a new application being brought.

SECTION 10. The intent of the section is clarified.

SECTION 11. The repealed subsection required an application to terminate a Crown wardship be brought within twelve months after the ward was admitted to an institution under *The Mental Hospitals Act*.

SECTION 12. The amended section provides for the termination of wardship upon the marriage of the ward.

SECTION 13. The removal of a ward from a foster home or other place of safety without the consent of the children's aid society is specifically prohibited.

SECTION 14. The subsection presently makes it an offence to inflict unreasonable cruelty on a child; the adjective "unreasonable" is deleted.

SECTION 15. See note to subsection 2 of section 6 of the Bill.

SECTION 16—Subsection 1. Complementary to section 2 of the Bill.

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

13. Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 39, subs. 1, cl. *c*, re-enacted

(*c*) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

14. Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14, s. 40, subs. 1, amended

15. Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 48, subs. 1, re-enacted

(1) In this Part, "judge" means a provincial judge presiding in a provincial court (Family Division). Interpretation

16.—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14, s. 50, subs. 1, amended

(1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 Agreement for maintenance of the child

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14, s. 50, subs. 5, amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default under agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14, s. 50, amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation or rescission of agreement

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(*a*) vary any amount of money payable thereunder; or

(*b*) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14, s. 51, re-enacted

17. Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application for affiliation order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(*a*) by the mother of a child born or likely to be born out of wedlock;

Subsection 2. Only where a society is incurring costs is it made mandatory that a society make an application under this subsection to enforce a maintenance agreement made by a putative father.

Subsection 3. The new subsection provides for the variation or rescission by a judge of an agreement for the maintenance of a child on the application of one of the parties to the agreement.

SECTION 17. The re-enacted section deals with applications for affiliation orders and makes it clear that an application may not be brought where an agreement for the maintenance of a child has been entered into and the putative father is not in default.

SECTION 18—Subsection 1. The intent of the section is clarified.

Subsection 2. Self-explanatory.

SECTION 19. Appeal procedures are set out.

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

18.—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the sixth line "unless the judge appoints any other person to be the guardian *ad litem* for this purpose", so that the subsection shall read as follows: 1965, c. 14, s. 52, subs. 1, amended

(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. Infancy of mother or putative father

(2) The said section 52 is amended by adding thereto the following subsection: 1965, c. 14, s. 52, amended

(1*a*) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1. Married woman

19. Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections: 1965, c. 14, s. 64, amended

(1*a*) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision. Notice of appeal

(1*b*) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal. Date of hearing

Decision

(1*c*) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14, s. 70, subs. 4, re-enacted

20. Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian *ad litem*

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14, s. 73, subs. 4, amended

21.—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out "who is twenty-one or more years of age or who is under twenty-one years of age and has been married" in the first, second and third lines and by adding at the end thereof "provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate", so that the subsection shall read as follows:

Idem, child and where married, spouse of child

(4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14, s. 73, subs. 5, amended

(2) Subsection 5 of the said section 73 is amended by inserting after "court" in the second line "upon application by the applicant for the adoption", so that the subsection shall read as follows:

Where consent not given

(5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

SECTION 20. Presently, the power of the court to appoint a guardian *ad litem* in adoption proceedings is discretionary; it will now be mandatory to appoint such a guardian both for a child under twenty-one years and for any parent under twenty-one.

SECTION 21—Subsection 1. The consent of a child to an order for his adoption will be required where the child is under as well as over twenty-one years of age, unless such consent is dispensed with by the court having regard to all the circumstances of the case.

Subsection 2. Complementary to subsection 3.

Subsection 3. Where application is made to dispense with a consent, notice must be given or every reasonable effort made to give notice to the person whose consent will be dispensed with. A consent is not invalid by reason only of the infancy of the person giving it.

SECTION 22. Self-explanatory.

SECTION 23. The effect of an adoption order on the relationship of the parties affected is restated and clarified and follows the recommendations of The Conference of Commissioners on Uniformity of Legislation in Canada.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5*a*) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

. . . . . .

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

22. *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75*a*. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

23. Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(*a*) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(*b*) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application of section

(3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.

Exception

(4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.

References in will or other document

83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

Effect of adoptions under other laws

83*a*. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.

1965, c. 14, s. 87, amended

24. Section 87 of *The Child Welfare Act, 1965*, as amended by section 5 of *The Child Welfare Amendment Act, 1966*, is further amended by adding thereto the following clause:

(*hc*) prescribing the times and manner of payment of capital grants under section 13.

Commencement

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Child Welfare Amendment Act, 1970*.

SECTION 24. Complementary to section 5 of the Bill.

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. YAREMKO

1970

BILL 182

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2—Subsection 1. The intent of the clause is clarified.

Subsection 2. The amended clause makes it clear that the objects of a society include assistance to the parents of a child who is about to be born out of wedlock.

SECTION 3. Complementary to section 4 of the Bill.

BILL 182 **1970**

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 1, cl. *e*, amended

2.—(1) Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned" in the first line "or committed". 1965, c. 14, s. 6, subs. 2, cl. *d*, amended

(2) Clause *g* of subsection 2 of the said section 6 is repealed and the following substituted therefor: 1965, c. 14, s. 6, subs. 2, cl. *g*, re-enacted

(*g*) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows: 1965, c. 14, s. 9, subs. 1, amended

(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures. Approval by council

(2) Subsection 2 of the said section 9, as amended by subsection 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor: 1965, c. 14, s. 9, subs. 2, re-enacted

Submission to Minister

(2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall within ten days after the estimate has been submitted to the Minister, recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by Director

(3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by Minister

(4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by Minister

(5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14, s. 11, re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference to child welfare review committee

11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

(2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

SECTION 4. The re-enacted section provides for the establishment of *ad hoc* child welfare review committees in cases of disagreement respecting a society's estimate of expenditures, composed of a chairman appointed by the Minister and one member appointed on behalf of the society and one member appointed by the municipality or the district child welfare budget board. The committee will inquire into the matters in dispute and make its findings to the Minister who will make the final determination.

(*a*) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or

(*b*) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

Composition of committee

(3) Where the Minister receives a request under subsection 1 or 2, he shall forthwith,

(*a*) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

(*b*) request by notice in writing that,

(i) one member be appointed to the committee by the Association of Children's Aid Societies, and

(ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

Notice

(4) When the members have been appointed under clause *b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned.

Joint appointment to committee

(5) Where a children's aid society has jurisdiction in more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities.

Failure to appoint member

(6) Where a party who receives a notice to appoint a member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister shall, in the place of the party who failed to make the appointment, forthwith appoint the member to the committee.

Procedure

(7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.

Evidence

(8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.

Findings of committee

(9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.

Decision of Minister

(10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

Notice

(11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.

1965, c. 14, s. 13, re-enacted

5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Capital grants

13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

SECTION 5. The re-enacted section will permit the payment of capital grants by instalments at the times and in the manner prescribed by the regulations.

SECTION 6—Subsection 1. The intent of the subclause is clarified.

Subsection 2. The definition of "judge" is brought into line with *The Provincial Courts Act, 1968*.

(*a*) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(*b*) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.

Idem

(2) Where the erection of a new building or an addition to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed.

Idem

(3) Where the acquisition of an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed.

Time and manner of payment

(4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

1965, c. 14, s. 19, subs. 1, cl. *b*, subcl. i, amended

6.—(1) Subclause i of clause *b* of subsection 1 of section 19 of *The Child Welfare Act, 1965* is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

(i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

1965, c. 14, s. 19, subs. 1, cl. *d*, re-enacted

(2) Clause *d* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(*d*) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14, s. 19, subs. 1, cl. *f*, re-enacted

(3) Clause *f* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(*f*) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14, s. 19, subs. 2, re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom cases are to be heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14, s. 19, subs. 4, amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14, s. 19, amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14, s. 23, subs. 1, amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention limited

(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be

Subsection 3. The definition of "place of safety" is expanded and clarified.

Subsection 4. Complementary to subsection 2.

Subsection 5. The amendment makes it clear that the Official Guardian is guardian *ad litem* of the parent unless the judge appoints some other person.

Subsection 6. Self-explanatory.

SECTION 7. The amendment permits the return of a child to the person in whose charge he was at the time of apprehension where that person was not the parent of the child, and reduces the time for returning the child or bringing him before a judge from ten days to five.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. Complementary to subsection 3.

Subsection 3. The new subsection substitutes the Director for the municipality as the one to receive notice of an impending hearing under this section where the child is the child of an unmarried mother.

Subsection 4. Self-explanatory.

Subsection 5. The judge is empowered to dispense with service of notice of a hearing under this section under certain conditions; where notice is dispensed with, the child may not be made a Crown ward or a ward of a society for longer than thirty days, except after a further hearing.

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" in the seventh line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 3, amended

(2) Subsection 4 of the said section 24 is amended by adding at the commencement thereof "Subject to subsection 4*a*", so that the subsection shall read as follows: 1965, c. 14, s. 24, subs. 4, amended

(4) Subject to subsection 4*a*, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(3) The said section 24 is amended by adding thereto the following subsection: 1965, c. 14, s. 24, amended

(4*a*) Where the child is a child of an unmarried mother, the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care. Idem

(4) Subsection 5 of the said section 24 is amended by striking out "Public Welfare" in the fifth line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 5, amended

(5) The said section 24 is amended by adding thereto the following subsections: 1965, c. 14, s. 24, amended

(5*a*) Where in the opinion of the judge, Judge may dispense with notice

(*a*) prompt service of any notice required under subsection 4, 4*a* or 5 cannot be effected; and

(*b*) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4*a* or 5, as the case may be.

(5*b*) Where the requirements of subsection 4, 4*a* or 5 have been dispensed with, the judge shall not make an order committing the child as a ward of the Limitation where notice dispensed with

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4*a* or 5, as the case may be, apply.

1965, c. 14, s. 24, subs. 7, repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14, s. 25, cl. *a*, re-enacted

9. Clause *a* of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

(*a*) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

. . . . . .

1965, c. 14, s. 30, amended

10. Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-application before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14, s. 31, subs. 2, repealed

11. Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14, s. 34, amended

12. Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge

Subsection 6. The repealed section is redundant by reason of *The Administration of Justice Act, 1968*.

SECTION 9. The re-enacted clause fixes the time during which a child returned to his parent or other person may be made subject to the supervision of a society without a new application being brought.

SECTION 10. The intent of the section is clarified.

SECTION 11. The repealed subsection required an application to terminate a Crown wardship be brought within twelve months after the ward was admitted to an institution under *The Mental Hospitals Act*.

SECTION 12. The amended section provides for the termination of wardship upon the marriage of the ward.

SECTION 13. The removal of a ward from a foster home or other place of safety without the consent of the children's aid society is specifically prohibited.

SECTION 14. The subsection presently makes it an offence to inflict unreasonable cruelty on a child; the adjective "unreasonable" is deleted.

SECTION 15. See note to subsection 2 of section 6 of the Bill.

SECTION 16—Subsection 1. Complementary to section 2 of the Bill.

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

13. Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 39, subs. 1, cl. *c*, re-enacted

(*c*) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

14. Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14, s. 40, subs. 1, amended

15. Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 48, subs. 1, re-enacted

(1) In this Part, "judge" means a provincial judge presiding in a provincial court (Family Division). Interpretation

16.—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14, s. 50, subs. 1, amended

(1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 Agreement for maintenance of the child

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14, s. 50, subs. 5, amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default under agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14, s. 50, amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation or rescission of agreement

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(*a*) vary any amount of money payable thereunder; or

(*b*) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14, s. 51, re-enacted

17. Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application for affiliation order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(*a*) by the mother of a child born or likely to be born out of wedlock;

Subsection 2. Only where a society is incurring costs is it made mandatory that a society make an application under this subsection to enforce a maintenance agreement made by a putative father.

Subsection 3. The new subsection provides for the variation or rescission by a judge of an agreement for the maintenance of a child on the application of one of the parties to the agreement.

SECTION 17. The re-enacted section deals with applications for affiliation orders and makes it clear that an application may not be brought where an agreement for the maintenance of a child has been entered into and the putative father is not in default.

SECTION 18—Subsection 1. The intent of the section is clarified.

Subsection 2. Self-explanatory.

SECTION 19. Appeal procedures are set out.

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

18.—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the sixth line "unless the judge appoints any other person to be the guardian *ad litem* for this purpose", so that the subsection shall read as follows: 1965, c. 14, s. 52, subs. 1, amended

(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. Infancy of mother or putative father

(2) The said section 52 is amended by adding thereto the following subsection: 1965, c. 14, s. 52, amended

(1*a*) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1. Married woman

19. Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections: 1965, c. 14, s. 64, amended

(1*a*) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision. Notice of appeal

(1*b*) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal. Date of hearing

Decision

(1*c*) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14, s. 70, subs. 4, re-enacted

20. Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian *ad litem*

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14, s. 73, subs. 4, amended

21.—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out "who is twenty-one or more years of age or who is under twenty-one years of age and has been married" in the first, second and third lines and by adding at the end thereof "provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate", so that the subsection shall read as follows:

Idem, child and where married, spouse of child

(4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14, s. 73, subs. 5, amended

(2) Subsection 5 of the said section 73 is amended by inserting after "court" in the second line "upon application by the applicant for the adoption", so that the subsection shall read as follows:

Where consent not given

(5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

SECTION 20. Presently, the power of the court to appoint a guardian *ad litem* in adoption proceedings is discretionary; it will now be mandatory to appoint such a guardian both for a child under twenty-one years and for any parent under twenty-one.

SECTION 21—Subsection 1. The consent of a child to an order for his adoption will be required where the child is under as well as over twenty-one years of age, unless such consent is dispensed with by the court having regard to all the circumstances of the case.

Subsection 2. Complementary to subsection 3.

Subsection 3. Where application is made to dispense with a consent, notice must be given or every reasonable effort made to give notice to the person whose consent will be dispensed with. A consent is not invalid by reason only of the infancy of the person giving it.

SECTION 22. Self-explanatory.

SECTION 23. The effect of an adoption order on the relationship of the parties affected is restated and clarified and follows the recommendations of The Conference of Commissioners on Uniformity of Legislation in Canada.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5*a*) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

. . . . .

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

22. *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75*a*. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

23. Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(*a*) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(*b*) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application of section

(3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.

Exception

(4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.

References in will or other document

83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

Effect of adoptions under other laws

83*a*. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.

1965, c. 14, s. 87, amended

24. Section 87 of *The Child Welfare Act, 1965*, as amended by section 5 of *The Child Welfare Amendment Act, 1966*, is further amended by adding thereto the following clause:

(*hc*) prescribing the times and manner of payment of capital grants under section 13.

Commencement

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Child Welfare Amendment Act, 1970*.

SECTION 24. Complementary to section 5 of the Bill.

1st Reading

October 7th, 1970

2nd Reading

October 21st, 1970

3rd Reading

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

1970

BILL 182

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 182 **1970**

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 1, cl. *e*, amended

2.—(1) Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned" in the first line "or committed". 1965, c. 14, s. 6, subs. 2, cl. *d*, amended

(2) Clause *g* of subsection 2 of the said section 6 is repealed and the following substituted therefor: 1965, c. 14, s. 6, subs. 2, cl. *g*, re-enacted

(*g*) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows: 1965, c. 14, s. 9, subs. 1, amended

(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures. Approval by council

(2) Subsection 2 of the said section 9, as amended by subsection 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor: 1965, c. 14, s. 9, subs. 2, re-enacted

Submission to Minister

(2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall within ten days after the estimate has been submitted to the Minister, recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by Director

(3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by Minister

(4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by Minister

(5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14, s. 11, re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference to child welfare review committee

11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

(2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

(*a*) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or

(*b*) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

Composition of committee

(3) Where the Minister receives a request under subsection 1 or 2, he shall forthwith,

(*a*) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

(*b*) request by notice in writing that,

(i) one member be appointed to the committee by the Association of Children's Aid Societies, and

(ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

Notice

(4) When the members have been appointed under clause *b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned.

Joint appointment to committee

(5) Where a children's aid society has jurisdiction in more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities.

Failure to appoint member

(6) Where a party who receives a notice to appoint a member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister shall, in the place of the party who failed to make the appointment, forthwith appoint the member to the committee.

Procedure

(7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.

Evidence

(8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.

Findings of committee

(9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.

Decision of Minister

(10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

Notice

(11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.

1965, c. 14, s. 13, re-enacted

5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Capital grants

13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

(*a*) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(*b*) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.

Idem

(2) Where the erection of a new building or an addition to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed.

Idem

(3) Where the acquisition of an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed.

Time and manner of payment

(4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

1965, c. 14, s. 19, subs. 1, cl. *b*, subcl. i, amended

6.—(1) Subclause i of clause *b* of subsection 1 of section 19 of *The Child Welfare Act, 1965* is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

(i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

1965, c. 14, s. 19, subs. 1, cl. *d*, re-enacted

(2) Clause *d* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(*d*) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14, s. 19, subs. 1, cl. *f*, re-enacted

(3) Clause *f* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(*f*) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14, s. 19, subs. 2, re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom cases are to be heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14, s. 19, subs. 4, amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14, s. 19, amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14, s. 23, subs. 1, amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention limited

(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" in the seventh line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 3, amended

(2) Subsection 4 of the said section 24 is amended by adding at the commencement thereof "Subject to subsection 4*a*", so that the subsection shall read as follows: 1965, c. 14, s. 24, subs. 4, amended

(4) Subject to subsection 4*a*, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(3) The said section 24 is amended by adding thereto the following subsection: 1965, c. 14, s. 24, amended

(4*a*) Where the child is a child of an unmarried mother, the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care. Idem

(4) Subsection 5 of the said section 24 is amended by striking out "Public Welfare" in the fifth line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 5, amended

(5) The said section 24 is amended by adding thereto the following subsections: 1965, c. 14, s. 24, amended

(5*a*) Where in the opinion of the judge, Judge may dispense with notice

(*a*) prompt service of any notice required under subsection 4, 4*a* or 5 cannot be effected; and

(*b*) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4*a* or 5, as the case may be.

(5*b*) Where the requirements of subsection 4, 4*a* or 5 have been dispensed with, the judge shall not make an order committing the child as a ward of the Limitation where notice dispensed with

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4*a* or 5, as the case may be, apply.

1965, c. 14, s. 24, subs. 7, repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14, s. 25, cl. *a*, re-enacted

9. Clause *a* of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

(*a*) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

. . . . . .

1965, c. 14, s. 30, amended

10. Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-application before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14, s. 31, subs. 2, repealed

11. Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14, s. 34, amended

12. Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

13. Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 39, subs. 1, cl. *c*, re-enacted

(*c*) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

14. Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14, s. 40, subs. 1, amended

15. Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 48, subs. 1, re-enacted

(1) In this Part, "judge" means a provincial judge presiding in a provincial court (Family Division). Interpretation

16.—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14, s. 50, subs. 1, amended

(1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 Agreement for maintenance of the child

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14, s. 50, subs. 5, amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default under agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14, s. 50, amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation or rescission of agreement

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(*a*) vary any amount of money payable thereunder; or

(*b*) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14, s. 51, re-enacted

17. Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application for affiliation order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(*a*) by the mother of a child born or likely to be born out of wedlock;

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

18.—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the sixth line "unless the judge appoints any other person to be the guardian *ad litem* for this purpose", so that the subsection shall read as follows: 1965, c. 14, s. 52, subs. 1, amended

(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. Infancy of mother or putative father

(2) The said section 52 is amended by adding thereto the following subsection: 1965, c. 14, s. 52, amended

(1*a*) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1. Married woman

19. Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections: 1965, c. 14, s. 64, amended

(1*a*) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision. Notice of appeal

(1*b*) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal. Date of hearing

Decision

(1*c*) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14, s. 70, subs. 4, re-enacted

20. Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian *ad litem*

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14, s. 73, subs. 4, amended

21.—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out "who is twenty-one or more years of age or who is under twenty-one years of age and has been married" in the first, second and third lines and by adding at the end thereof "provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate", so that the subsection shall read as follows:

Idem, child and where married, spouse of child

(4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14, s. 73, subs. 5, amended

(2) Subsection 5 of the said section 73 is amended by inserting after "court" in the second line "upon application by the applicant for the adoption", so that the subsection shall read as follows:

Where consent not given

(5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5*a*) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

. . . . .

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

22. *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75*a*. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

23. Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(*a*) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(*b*) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application of section

(3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.

Exception

(4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.

References in will or other document

83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

Effect of adoptions under other laws

83*a*. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.

1965, c. 14, s. 87, amended

24. Section 87 of *The Child Welfare Act, 1965*, as amended by section 5 of *The Child Welfare Amendment Act, 1966*, is further amended by adding thereto the following clause:

(*hc*) prescribing the times and manner of payment of capital grants under section 13.

Commencement

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Child Welfare Amendment Act, 1970*.

1st Reading

October 7th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

MR. YAREMKO

1970

BILL 183

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Sections 1, 2 and 3. A Divisional Court is established as a branch of the High Court. The court would sit with three judges presiding and hear,

1. all appeals under any statute now referred to the High Court or Court of Appeal. This includes appeals from administrative tribunals and from surrogate courts and division courts but not appeals from county courts;

2. applications for the extraordinary remedies;

3. all appeals from High Court judges respecting interlocutory decisions and from orders granting the extraordinary remedies;

4. all appeals by way of stated case now referred to the High Court or Court of Appeal;

5. appeals from the Master.

The Divisional Court is authorized to sit in Toronto, Ottawa, London, Sudbury, Sault Ste. Marie and Thunder Bay.

BILL 183 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Judicature Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 197, s. 1, amended

(*ga*) "Divisional Court" means the Divisional Court of the High Court.

2. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960, c. 197, amended

5*a*. There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the High Court as may be designated by him from time to time. Divisional Court of the High Court

3. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960, c. 197, amended

14*a*.—(1) The Divisional Court has jurisdiction to hear, determine and dispose of, Jurisdiction of Divisional Court

(*a*) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*; R.S.O. 1960, c. 76

(*b*) applications by way of prohibition, mandamus and certiorari;

(*c*) all appeals from orders or decisions of judges of the High Court in regard to prohibition, mandamus or certiorari;

(*d*) all appeals from judgments, orders or decisions of a judge of the High Court or a judge of the Divisional Court in regard to matters of practice or procedure that do not affect the ultimate rights of any party;

(*e*) all appeals by way of stated case to the Supreme Court under any Act other than *The Summary Convictions Act*; R.S.O. 1960, c. 387

(*f*) all appeals from final orders of the Master of the Supreme Court.

Existing appeals to Supreme Court R.S.O. 1960, c. 76

(2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, including such an appeal by way of stated case, such provision shall be deemed to provide an appeal to the Supreme Court and clause *a* of subsection 1 applies.

R.S.O. 1960, c. 197, s. 26, subs. 1, cl. *c*, amended

4.—(1) Clause *c* of subsection 1 of section 26 of *The Judicature Act* is amended by striking out "and, subject to the rules, from any other judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure" in the third, fourth, fifth and sixth lines, so that the clause shall read as follows:

(*c*) any judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure that affects the ultimate rights of any party.

R.S.O. 1960, c. 197, s. 26, subs. 1, amended

(2) Subsection 1 of the said section 26 is amended by adding at the end thereof "except that where such judgment, order or decision is that of the Divisional Court, the appeal shall be on questions of law only and is subject to the leave of the Court of Appeal".

R.S.O. 1960, c. 197, s. 40, subs. 1*a* (1968, c. 59, s. 2), amended

5. Subsection 1*a* of section 40 of *The Judicature Act*, as enacted by section 2 of *The Judicature Amendment Act, 1968*, is amended by inserting after "order" in the second line "for corollary relief", so that the subsection shall read as follows:

Exception 1968, c. 24 (Can.)

(1*a*) An appeal to the Court of Appeal from an interlocutory order for corollary relief under the *Divorce Act* (Canada) may be heard without leave before one justice of appeal sitting alone.

R.S.O. 1960, c. 197, amended

6. *The Judicature Act* is amended by adding thereto the following section:

SECTION 4. An appeal is given from the Divisional Court to the Court of Appeal on questions of law only and by leave of the Court of Appeal.

SECTION 5. The special provision for appeal from interlocutory decisions in divorce matters is confined to orders for corollary relief, and the procedure applicable in other actions is restored for other interlocutory orders in divorce actions.

SECTION 6. Complementary to section 2 of the Bill.

SECTIONS 7, 8 and 9. Specific reference to Osgoode Hall is deleted because of the location of some court offices at 145 Queen Street West.

SECTION 10. The days on which court offices may be closed are up-dated to include Boxing Day and Civic Holiday.

Hearings of Divisional Court

44*a*.—(1) Except where otherwise provided, every proceeding in the Divisional Court shall be heard, determined and disposed of before three judges thereof sitting together of whom one shall be the Chief Justice of the High Court or a judge of the High Court designated by him, and the sitting shall be presided over by the Chief Justice of the High Court or his designee.

Sections

(2) The Divisional Court may sit in two or more sections as the Chief Justice of the High Court directs from time to time.

Time and place of sittings

(3) In accordance with the rules, sittings of the Divisional Court shall be held in Toronto continuously, except during vacations and holidays, and shall be held in London, Ottawa, Sudbury, Sault Ste. Marie and Thunder Bay at such times as the Chief Justice of the High Court may fix for the expeditious dispatch of the matters set down for hearing at those places.

R.S.O. 1960, c. 197, s. 66, subs. 3, amended

7.—(1) Subsection 3 of section 66 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960, c. 197, s. 66, subs. 4, amended

(2) Subsection 4 of the said section 66 is amended by striking out "Osgoode Hall" in the third line.

R.S.O. 1960, c. 197, s. 83, subs. 3, amended

8. Subsection 3 of section 83 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960, c. 197, s. 88, amended

9. Section 88 of *The Judicature Act* is amended by inserting after "at" in the fourth line "or adjacent to", so that the section shall read as follows:

Certain officers to keep their offices at Osgoode Hall

88. The officers in Toronto, save the Official Guardian, special examiners, stenographic reporters and any official referee other than one holding that office *ex officio*, shall keep their offices at or adjacent to Osgoode Hall, in the City of Toronto.

R.S.O. 1960, c. 197, s. 91, re-enacted

10. Section 91 of *The Judicature Act* is repealed and the following substituted therefor:

Holiday defined

91.—(1) In this section, "holiday" means,

R.S.O. 1960, c. 191

(*a*) a holiday as defined in *The Interpretation Act*;

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court in Toronto shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960, c. 197, s. 115, subs. 1, amended

11.—(1) Subsection 1 of section 115 of *The Judicature Act* is amended by striking out "Except in the County of York" in the first line, so that the subsection shall read as follows:

County court judges are local judges

(1) Every judge of a county court is a local judge of the High Court for the purposes of his jurisdiction in actions in the Supreme Court, and may be styled a local judge of the Supreme Court, and has, in all causes and actions in the Supreme Court, subject to the rules, power and authority to do and perform all such acts and transact all such business in respect of matters and causes in or before the High Court as he is by statute or the rules empowered to do and perform.

R.S.O. 1960, c. 197, s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Jurisdiction of local judges in divorce actions

(3) Without limiting the generality of subsections 1 and 2, the jurisdiction of the local judges of the High Court extends to the exercising of all such powers and authorities and the performing of such acts and the transacting of all such business as may be exercised, performed or transacted by the Supreme Court or a judge thereof under the *Divorce Act* (Canada).

1967-68, c. 24 (Can.)

Application of sections 1-4, 6, 11

12. Sections 1, 2, 3, 4, 6 and 11 do not apply to actions or proceedings commenced before those sections come into force.

Commencement

13.—(1) This Act, except sections 1, 2, 3, 4, 6 and 11, comes into force on the day it receives Royal Assent.

SECTION 11. Local judges are authorized to hear and dispose of divorce actions and county court judges in York County are made local judges of the Supreme Court.

(2) Sections 1, 2, 3, 4, 6 and 11 come into force on a day Idem
o be named by the Lieutenant Governor by his proclamation.

14. This Act may be cited as *The Judicature Amendment* Short title
ct, 1970. (No. 4).

The Judicature Act

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 183

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

(Reprinted as amended by the Legal and Municipal Committee)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Sections 1, 2 and 3. A Divisional Court is established as a branch of the High Court. The court would sit with three judges presiding and hear,

1. all appeals under any statute now referred to the High Court or Court of Appeal. This includes appeals from administrative tribunals and from surrogate courts and division courts but not appeals from county courts;

2. applications for the extraordinary remedies;

3. all appeals from High Court judges respecting interlocutory decisions and from orders granting the extraordinary remedies;

4. all appeals by way of stated case now referred to the High Court or Court of Appeal;

5. appeals from the Master.

The new provision ensures that the appointment of High Court judges is unaffected by the division of duties assigned to the Divisional Court.

The Divisional Court is authorized to sit in Toronto, Ottawa, London, Sudbury, Sault Ste. Marie and Thunder Bay.

BILL 183 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Judicature Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 197, s. 1, amended

(*ga*) "Divisional Court" means the Divisional Court of the High Court.

2. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960, c. 197, amended

5*a*. There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the Divisional Court as may be designated by him from time to time. Divisional Court of the High Court

5*b*. Every judge of the High Court is also a judge of the Divisional Court. Jurisdiction of judges

3. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960, c 197, amended

14*a*.—(1) The Divisional Court has jurisdiction to hear, determine and dispose of, Jurisdiction of Divisional Court

(*a*) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*; R.S.O. 1960, c. 76

(*b*) applications by way of prohibition, mandamus and certiorari;

(*c*) all appeals from orders or decisions of judges of the High Court in regard to prohibition, mandamus or certiorari;

(*d*) all appeals from judgments, orders or decisions of a judge of the High Court or a judge of the Divisional Court in regard to matters of practice or procedure that do not affect the ultimate rights of any party;

(*e*) all appeals by way of stated case to the Supreme Court under any Act other than *The Summary Convictions Act*;

R.S.O. 1960, c. 387

(*f*) all appeals from final orders of the Master of the Supreme Court.

Existing appeals to Supreme Court

R.S.O. 1960, c. 76

(2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, including such an appeal by way of stated case, such provision shall be deemed to provide that the appeal shall be to the Supreme Court and clause *a* of subsection 1 applies.

R.S.O. 1960, c. 197, s. 26, subs. 1, cl. *c*, amended

4.—(1) Clause *c* of subsection 1 of section 26 of *The Judicature Act* is amended by striking out "and, subject to the rules, from any other judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure" in the third, fourth, fifth and sixth lines, so that the clause shall read as follows:

(*c*) any judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure that affects the ultimate rights of any party.

R.S.O. 1960, c. 197, s. 26, subs. 1, amended

(2) Subsection 1 of the said section 26 is amended by adding at the end thereof "except that where such judgment, order or decision is that of the Divisional Court, the appeal shall be on questions of law only and is subject to the leave of the Court of Appeal".

R.S.O. 1960, c. 197, s. 40, subs. 1*a* (1968, c. 59, s. 2), amended

5. Subsection 1*a* of section 40 of *The Judicature Act*, as enacted by section 2 of *The Judicature Amendment Act, 1968*, is amended by inserting after "order" in the second line "for corollary relief", so that the subsection shall read as follows:

Exception

1968, c. 24 (Can.)

(1*a*) An appeal to the Court of Appeal from an interlocutory order for corollary relief under the *Divorce Act* (Canada) may be heard without leave before one justice of appeal sitting alone.

R.S.O. 1960, c. 197, amended

6. *The Judicature Act* is amended by adding thereto the following section:

SECTION 4. An appeal is given from the Divisional Court to the Court of Appeal on questions of law only and by leave of the Court of Appeal.

SECTION 5. The special provision for appeal from interlocutory decisions in divorce matters is confined to orders for corollary relief, and the procedure applicable in other actions is restored for other interlocutory orders in divorce actions.

SECTION 6. Complementary to section 2 of the Bill.

SECTIONS 7, 8 and 9. Specific reference to Osgoode Hall is deleted because of the location of some court offices at 145 Queen Street West.

SECTION 10. The days on which court offices may be closed are up-dated to include Boxing Day and Civic Holiday.

Hearings of Divisional Court

44*a*.—(1) Except where otherwise provided, every proceeding in the Divisional Court shall be heard, determined and disposed of before three judges thereof sitting together of whom one shall be the Chief Justice of the High Court or a judge of the High Court designated by him, and the sitting shall be presided over by the Chief Justice of the High Court or his designee.

Sections

(2) The Divisional Court may sit in two or more sections as the Chief Justice of the High Court directs from time to time.

Time and place of sittings

(3) In accordance with the rules, sittings of the Divisional Court shall be held in Toronto continuously, except during vacations and holidays, and shall be held in London, Ottawa, Sudbury, Sault Ste. Marie and Thunder Bay at such times as the Chief Justice of the High Court may fix for the expeditious dispatch of the matters set down for hearing at those places.

Judge not to sit on own appeal

(4) A judge of the Divisional Court shall not sit as a member of the Divisional Court considering an appeal from his own decision.

R.S.O. 1960, c. 197, s. 66, subs. 3, amended

7.—(1) Subsection 3 of section 66 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960, c. 197, s. 66, subs. 4, amended

(2) Subsection 4 of the said section 66 is amended by striking out "Osgoode Hall" in the third line.

R.S.O. 1960, c. 197, s. 83, subs. 3, amended

8. Subsection 3 of section 83 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960, c. 197, s. 88, amended

9. Section 88 of *The Judicature Act* is amended by inserting after "at" in the fourth line "or adjacent to", so that the section shall read as follows:

Certain officers to keep their offices at Osgoode Hall

88. The officers in Toronto, save the Official Guardian, special examiners, stenographic reporters and any official referee other than one holding that office *ex officio*, shall keep their offices at or adjacent to Osgoode Hall, in the City of Toronto.

R.S.O. 1960, c. 197, s. 91, re-enacted

10. Section 91 of *The Judicature Act* is repealed and the following substituted therefor:

Holiday defined

91.—(1) In this section, "holiday" means,

R.S.O. 1960, c. 191

(*a*) a holiday as defined in *The Interpretation Act*;

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court in Toronto shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960, c. 197, s. 115, subs. 1, amended

11.—(1) Subsection 1 of section 115 of *The Judicature Act* is amended by striking out "Except in the County of York" in the first line, so that the subsection shall read as follows:

County court judges are local judges

(1) Every judge of a county court is a local judge of the High Court for the purposes of his jurisdiction in actions in the Supreme Court, and may be styled a local judge of the Supreme Court, and has, in all causes and actions in the Supreme Court, subject to the rules, power and authority to do and perform all such acts and transact all such business in respect of matters and causes in or before the High Court as he is by statute or the rules empowered to do and perform.

R.S.O. 1960, c. 197, s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Jurisdiction of local judges in divorce actions

(3) Without limiting the generality of subsections 1 and 2, the jurisdiction of the local judges of the High Court extends to the exercising of all such powers and authorities and the performing of such acts and the transacting of all such business as may be exercised, performed or transacted by the Supreme Court or a judge thereof under the *Divorce Act* (Canada).

1967-68, c. 24 (Can.)

Application of sections 1-4, 6, 11

12. Sections 1, 2, 3, 4, 6 and 11 do not apply to actions or proceedings commenced before those sections come into force.

Commencement

13.—(1) This Act, except sections 1, 2, 3, 4, 6 and 11, comes into force on the day it receives Royal Assent.

SECTION 11. Local judges are authorized to hear and dispose of divorce actions and county court judges in York County are made local judges of the Supreme Court.

(2) Sections 1, 2, 3, 4, 6 and 11 come into force on a day Idem
to be named by the Lieutenant Governor by his proclamation.

14. This Act may be cited as *The Judicature Amendment* Short title
Act, 1970. (No. 4).

The Judicature Act

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

MR. WISHART

(*Reprinted as amended by the Legal and Municipal Committee*)

1970

BILL 183

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judicature Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 183 **1970**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Judicature Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 197, s. 1, amended

(*ga*) "Divisional Court" means the Divisional Court of the High Court.

2. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960, c. 197, amended

5*a*. There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the Divisional Court as may be designated by him from time to time. Divisional Court of the High Court

5*b*. Every judge of the High Court is also a judge of the Divisional Court. Jurisdiction of judges

3. *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960 c 197, amended

14*a*.—(1) The Divisional Court has jurisdiction to hear, determine and dispose of, Jurisdiction of Divisiona Court

(*a*) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*; R.S.O. 1960, c. 76

(*b*) applications by way of prohibition, mandamus and certiorari;

(*c*) all appeals from orders or decisions of judges of the High Court in regard to prohibition, mandamus or certiorari;

(*d*) all appeals from judgments, orders or decisions of a judge of the High Court or a judge of the Divisional Court in regard to matters of practice or procedure that do not affect the ultimate rights of any party;

(*e*) all appeals by way of stated case to the Supreme Court under any Act other than *The Summary Convictions Act*;

R.S.O. 1960, c. 387

(*f*) all appeals from final orders of the Master of the Supreme Court.

Existing appeals to Supreme Court

R.S.O. 1960, c. 76

(2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, including such an appeal by way of stated case, such provision shall be deemed to provide that the appeal shall be to the Supreme Court and clause *a* of subsection 1 applies.

R.S.O. 1960, c. 197, s. 26, subs. 1, cl. *c*, amended

4.—(1) Clause *c* of subsection 1 of section 26 of *The Judicature Act* is amended by striking out "and, subject to the rules, from any other judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure" in the third, fourth, fifth and sixth lines, so that the clause shall read as follows:

(*c*) any judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure that affects the ultimate rights of any party.

R.S.O. 1960, c. 197, s. 26, subs. 1, amended

(2) Subsection 1 of the said section 26 is amended by adding at the end thereof "except that where such judgment, order or decision is that of the Divisional Court, the appeal shall be on questions of law only and is subject to the leave of the Court of Appeal".

R.S.O. 1960, c. 197, s. 40, subs. 1*a* (1968, c. 59, s. 2), amended

5. Subsection 1*a* of section 40 of *The Judicature Act*, as enacted by section 2 of *The Judicature Amendment Act, 1968*, is amended by inserting after "order" in the second line "for corollary relief", so that the subsection shall read as follows:

Exception

1968, c. 24 (Can.)

(1*a*) An appeal to the Court of Appeal from an interlocutory order for corollary relief under the *Divorce Act* (Canada) may be heard without leave before one justice of appeal sitting alone.

R.S.O. 1960, c. 197, amended

6. *The Judicature Act* is amended by adding thereto the following section:

Hearings of Divisional Court

44*a*.—(1) Except where otherwise provided, every proceeding in the Divisional Court shall be heard, determined and disposed of before three judges thereof sitting together of whom one shall be the Chief Justice of the High Court or a judge of the High Court designated by him, and the sitting shall be presided over by the Chief Justice of the High Court or his designee.

Sections

(2) The Divisional Court may sit in two or more sections as the Chief Justice of the High Court directs from time to time.

Time and place of sittings

(3) In accordance with the rules, sittings of the Divisional Court shall be held in Toronto continuously, except during vacations and holidays, and shall be held in London, Ottawa, Sudbury, Sault Ste. Marie and Thunder Bay at such times as the Chief Justice of the High Court may fix for the expeditious dispatch of the matters set down for hearing at those places.

Judge not to sit on own appeal

(4) A judge of the Divisional Court shall not sit as a member of the Divisional Court considering an appeal from his own decision.

R.S.O. 1960, c. 197, s. 66, subs. 3, amended

7.—(1) Subsection 3 of section 66 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960, c. 197, s. 66, subs. 4, amended

(2) Subsection 4 of the said section 66 is amended by striking out "Osgoode Hall" in the third line.

R.S.O. 1960, c. 197, s. 83, subs. 3, amended

8. Subsection 3 of section 83 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960, c. 197, s. 88, amended

9. Section 88 of *The Judicature Act* is amended by inserting after "at" in the fourth line "or adjacent to", so that the section shall read as follows:

Certain officers to keep their offices at Osgoode Hall

88. The officers in Toronto, save the Official Guardian, special examiners, stenographic reporters and any official referee other than one holding that office *ex officio*, shall keep their offices at or adjacent to Osgoode Hall, in the City of Toronto.

R.S.O. 1960, c. 197, s. 91, re-enacted

10. Section 91 of *The Judicature Act* is repealed and the following substituted therefor:

Holiday defined

91.—(1) In this section, "holiday" means,

R.S.O. 1960, c. 191

(*a*) a holiday as defined in *The Interpretation Act*;

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court in Toronto shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960, c. 197, s. 115, subs. 1, amended

11.—(1) Subsection 1 of section 115 of *The Judicature Act* is amended by striking out "Except in the County of York" in the first line, so that the subsection shall read as follows:

County court judges are local judges

(1) Every judge of a county court is a local judge of the High Court for the purposes of his jurisdiction in actions in the Supreme Court, and may be styled a local judge of the Supreme Court, and has, in all causes and actions in the Supreme Court, subject to the rules, power and authority to do and perform all such acts and transact all such business in respect of matters and causes in or before the High Court as he is by statute or the rules empowered to do and perform.

R.S.O. 1960, c. 197, s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Jurisdiction of local judges in divorce actions

(3) Without limiting the generality of subsections 1 and 2, the jurisdiction of the local judges of the High Court extends to the exercising of all such powers and authorities and the performing of such acts and the transacting of all such business as may be exercised, performed or transacted by the Supreme Court or a judge thereof under the *Divorce Act* (Canada).

1967-68, c. 24 (Can.)

Application of sections 1-4, 6, 11

12. Sections 1, 2, 3, 4, 6 and 11 do not apply to actions or proceedings commenced before those sections come into force.

Commencement

13.—(1) This Act, except sections 1, 2, 3, 4, 6 and 11, comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 3, 4, 6 and 11 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

14. This Act may be cited as *The Judicature Amendment Act, 1970. (No. 4)*. Short title

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 29th, 1970

MR. WISHART

BILL 184

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The County Courts Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

SECTION 2. The dates of the sittings, in each county and district, now prescribed by statute, are left to the chief judge to determine and his order will be published as a regulation.

BILL 184 **1970**

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 6, re-enacted

6.—(1) In this section, "holiday" means, Holiday defined

(*a*) a holiday as defined in *The Interpretation Act*; R.S.O. 1960, c. 191

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon. Office hours

2. Section 10, as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11, as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14, as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 10, re-enacted; s. 11, repealed; ss. 12-14 (1961-62, c. 24, s. 2), repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960, c. 349

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *a*, amended

3.—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *c*, amended

(3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *d*, amended

(4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *e*, amended

(5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *f*, amended

(6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *g*, amended

(7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000".

SECTION 3—Subsections 1 to 12. The monetary jurisdiction of county and district courts is increased from $3,000 to $7,500 and, where partnerships or estates are involved, the total value is increased from $20,000 to $50,000.

Subsection 13. The provision for removing a case that exceeds the monetary jurisdiction of the county or district court into the Supreme Court is rewritten to ensure that failure to take the procedures to remove the case puts the jurisdiction of the county or district court beyond dispute.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *i*, amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *j*, amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "$50,000". R.S.O. 1960, c. 76, s. 19, subs. 2, amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 19, subss. 3-5, re-enacted

(3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted. Transfer to Supreme Court by plaintiff

(4) The defendant may, within fifteen days after the entry of appearance if he has given notice that he disputes the jurisdiction of the court in his appearance, or within fifteen days after the filing of his Transfer to Supreme Court by defendant

statement of defence if he has given such notice in his statement of defence, apply to a judge of the Supreme Court for an order transferring the action to that court.

When jurisdiction established

(5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application of section

(14) This section does not apply to actions commenced before this section comes into force.

Commencement

4.—(1) This Act, except sections 2 and 3 comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1971.

Idem

(3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The County Courts Amendment Act, 1970.*

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 184

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The County Courts Act

MR. WISHART

(Reprinted as amended by the Legal and Municipal Committee)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

SECTION 2. The dates of the sittings, in each county and district, now prescribed by statute, are left to the chief judge to determine and his order will be published as a regulation.

BILL 184 **1970**

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 6, re-enacted

6.—(1) In this section, "holiday" means, Holiday defined

(*a*) a holiday as defined in *The Interpretation Act*; R.S.O. 1960, c. 191

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon. Office hours

2. Section 10, as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11, as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14, as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 10, re-enacted; s. 11, repealed; ss. 12-14 (1961-62, c. 24, s. 2) repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960, c. 349

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *a*, amended

3.—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *c*, amended

(3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *d*, amended

(4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *e*, amended

(5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *f*, amended

(6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *g*, amended

(7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000".

SECTION 3—Subsections 1 to 12. The monetary jurisdiction of county and district courts is increased from $3,000 to $7,500 and, where partnerships or estates are involved, the total value is increased from $20,000 to $50,000.

Subsection 13. The provision for removing a case that exceeds the monetary jurisdiction of the county or district court into the Supreme Court is rewritten to ensure that failure to take the procedures to remove the case puts the jurisdiction of the county or district court beyond dispute.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h* amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *i*, amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *j*, amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "$50,000". R.S.O. 1960, c. 76, s. 19, subs. 2, amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor: R.S.O. 1960 c. 76, s. 19, subss. 3-5, re-enacted

(3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted. Transfer to Supreme Court by plaintiff

(4) Where the plaintiff does not exercise the right conferred by subsection 3 within the period set out therein, the defendant may, within ten days after the expiration of such period apply to a judge of Transfer to Supreme Court by defendant

the Supreme Court for an order transferring the action to that court.

When jurisdiction established

(5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application of section

(14) This section does not apply to actions commenced before this section comes into force.

Commencement

4.—(1) This Act, except sections 2 and 3 comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1971.

Idem

(3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The County Courts Amendment Act, 1970.*

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

MR. WISHART

(Reprinted as amended by the Legal and Municipal Committee)

1970

BILL 184

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The County Courts Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 184 1970

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 6, re-enacted

6.—(1) In this section, "holiday" means, Holiday defined

(*a*) a holiday as defined in *The Interpretation Act*; R.S.O. 1960, c. 191

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon. Office hours

2. Section 10, as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11, as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14, as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 10, re-enacted; s. 11, repealed; ss. 12-14 (1961-62, c. 24, s. 2) repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960, c. 349

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *a*, amended

3.—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *c*, amended

(3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *d*, amended

(4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *e*, amended

(5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *f*, amended

(6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500".

R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *g*, amended

(7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000".

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h*, amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *h* amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *i*, amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$3,000" in the amendment of 1961-62 and inserting in lieu thereof "$7,500". R.S.O. 1960, c. 76, s. 19, subs. 1, cl. *j*, amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "$50,000". R.S.O. 1960, c. 76, s. 19, subs. 2, amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor: R.S.O. 1960 c. 76, s. 19, subss. 3-5, re-enacted

(3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted. Transfer to Supreme Court by plaintiff

(4) Where the plaintiff does not exercise the right conferred by subsection 3 within the period set out therein, the defendant may, within ten days after the expiration of such period, apply to a judge of Transfer to Supreme Court by defendant

the Supreme Court for an order transferring the action to that court.

When jurisdiction established

(5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application of section

(14) This section does not apply to actions commenced before this section comes into force.

Commencement

4.—(1) This Act, except sections 2 and 3 comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1971.

Idem

(3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The County Courts Amendment Act, 1970.*

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 29th, 1970

MR. WISHART

1970

BILL 185

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The General Sessions Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The dates of the sittings of the general sessions of the peace in each county and district, now prescribed in the statute, are left to the chief judge to determine and his order will be published as a regulation.

BILL 185 **1970**

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The General Sessions Act*, as amended by section 2 of *The General Sessions Amendment Act, 1961-62*, section 1 of *The General Sessions Amendment Act, 1962-63* and section 1 of *The General Sessions Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 163, s. 3, re-enacted

3. In each year the sittings of each court of general sessions of the peace shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies. Sittings R.S.O. 1960, c. 349

2. Section 4*a* of *The General Sessions Act*, as enacted by section 2 of *The General Sessions Amendment Act, 1965*, is repealed. R.S.O. 1960, c. 163, s. 4*a* (1965, c. 44, s. 2), repealed

3. This Act comes into force on the 1st day of January, 1971. Commencement

4. This Act may be cited as *The General Sessions Amendment Act, 1970*. Short title

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 185

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The General Sessions Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 185 **1970**

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The General Sessions Act*, as amended by section 2 of *The General Sessions Amendment Act, 1961-62*, section 1 of *The General Sessions Amendment Act, 1962-63* and section 1 of *The General Sessions Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 163, s. 3, re-enacted

3. In each year the sittings of each court of general sessions of the peace shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies. Sittings R.S.O. 1960, c. 349

2. Section 4*a* of *The General Sessions Act*, as enacted by section 2 of *The General Sessions Amendment Act, 1965*, is repealed. R.S.O. 1960, c. 163, s. 4*a* (1965, c. 44, s. 2), repealed

3. This Act comes into force on the 1st day of January, 1971. Commencement

4. This Act may be cited as *The General Sessions Amendment Act, 1970*. Short title

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

MR. WISHART

1970

BILL 186

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Interpretation Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Complementary to other Bills adding Boxing Day and Civic Holiday to the days on which judicial and land registry offices may be closed.

Section 2. Complementary to the creation of the Divisional Court by *An Act to amend The Judicature Act* (No. 4).

BILL 186 **1970**

An Act to amend The Interpretation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 27 of *The Interpretation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 191, s. 27, cl. *i*, re-enacted

(*i*) where the time limited for a proceeding or for the doing of any thing in an office of the Supreme Court, or a county or district court office, or a surrogate court office, or a division court office, or a registry office, or a land titles office, or a sheriff's office expires or falls upon a day that is prescribed as a holiday for such office, the time so limited extends to and the thing may be done on the day next following that is not a holiday. computation of time where time limited expires on a holiday

2. Section 30 of *The Interpretation Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 191, s. 30, amended

5*a*. "Divisional Court" means the Divisional Court of the High Court of Justice for Ontario.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Interpretation Amendment Act, 1970*. Short title

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 186

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Interpretation Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 186 **1970**

An Act to amend The Interpretation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 27 of *The Interpretation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 191, s. 27, cl. *i*, re-enacted

(*i*) where the time limited for a proceeding or for the doing of any thing in an office of the Supreme Court, or a county or district court office, or a surrogate court office, or a division court office, or a registry office, or a land titles office, or a sheriff's office expires or falls upon a day that is prescribed as a holiday for such office, the time so limited extends to and the thing may be done on the day next following that is not a holiday. computation of time where time limited expires on a holiday

2. Section 30 of *The Interpretation Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 191, s. 30, amended

5*a*. "Divisional Court" means the Divisional Court of the High Court of Justice for Ontario.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Interpretation Amendment Act, 1970*. Short title

1st Reading

October 7th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 14th, 1970

MR. WISHART

1970

BILL 187

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judges' Orders Enforcement Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill is complementary to *An Act to amend The Judicature Act* (No. 4) and provides that appeals from judges as *persona designata* go to the Divisional Court of the High Court.

BILL 187 **1970**

An Act to amend The Judges' Orders Enforcement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is amended by striking out "Court of Appeal" in the second line and in the seventh line and inserting in lieu thereof in each instance "Divisional Court", so that the section shall read as follows: R.S.O. 1960, c. 196, s. 3, amended

3. An appeal lies from an order made by a judge as *persona designata* to the Divisional Court, Appeal

(*a*) if the right of appeal is given by the statute under which the judge acted; or

(*b*) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Divisional Court.

2. This Act does not apply to applications or proceedings commenced before the day this Act comes into force. Application

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Judges' Orders Enforcement Amendment Act, 1970.* Short title

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 187

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Judges' Orders Enforcement Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 187 **1970**

An Act to amend The Judges' Orders Enforcement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is amended by striking out "Court of Appeal" in the second line and in the seventh line and inserting in lieu thereof in each instance "Divisional Court", so that the section shall read as follows: R.S.O. 1960, c. 196, s. 3, amended

3. An appeal lies from an order made by a judge as *persona designata* to the Divisional Court, Appeal

(*a*) if the right of appeal is given by the statute under which the judge acted; or

(*b*) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Divisional Court.

2. This Act does not apply to applications or proceedings commenced before the day this Act comes into force. Application

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Judges' Orders Enforcement Amendment Act, 1970*. Short title

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

MR. WISHART

1970

BILL 188

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Habeas Corpus Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

At present, an application for a writ of *habeas corpus* may be made to a Supreme Court judge or to the Court of Appeal and where made to and refused by a Supreme Court judge, may be appealed to the Court of Appeal.

The amendments require the application to be made to a Supreme Court judge with the right of appeal, on refusal, to the Divisional Court established under *An Act to amend The Judicature Act* (No. 4), and, on further refusal, another appeal as of right to the Court of Appeal.

BILL 188 **1970**

An Act to amend The Habeas Corpus Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Habeas Corpus Act* is amended by striking out "or before the Court of Appeal" in the twelfth and thirteenth lines. R.S.O. 1960, c. 169, s. 1, subs. 1, amended

(2) Subsection 3 of the said section 1 is repealed. R.S.O. 1960, c. 169, s. 1, subs. 3, repealed

2.—(1) Subsection 1 of section 8 of *The Habeas Corpus Act* is amended by striking out "Court of Appeal" in the sixth line and in the ninth line, and inserting in lieu thereof in each instance "Divisional Court", so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 1, amended

(1) Where a person confined or restrained of his liberty is brought before a judge upon a writ of *habeas corpus* and is remanded into custody upon the original order or warrant of commitment or by virtue of any warrant, order or rule of such judge, such person may appeal from the decision or judgment of the judge to the Divisional Court, and thereupon the writ of *habeas corpus*, the return thereto, and the affidavits, depositions, evidence, conviction and other proceedings shall be certified by the proper officer to the Divisional Court. Appeal from remand to custody

(2) Subsection 2 of the said section 8 is amended by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court", so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 2, amended

(2) The Divisional Court shall thereupon hear and determine the appeal without formal pleadings and, if the court determines that the confinement or restraint is illegal, shall so certify to the person having Court may order discharge

the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

R.S.O. 1960, c. 169, amended

3. *The Habeas Corpus Act* is amended by adding thereto the following section:

Appeal to Court of Appeal

8*a*. An appellant under section 8 may appeal from the decision of the Divisional Court to the Court of Appeal.

Commencement

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Habeas Corpus Amendment Act, 1970*.

1st Reading

October 7th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 188

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Habeas Corpus Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 188 **1970**

An Act to amend The Habeas Corpus Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Habeas Corpus Act* is amended by striking out "or before the Court of Appeal" in the twelfth and thirteenth lines. R.S.O. 1960, c. 169, s. 1, subs. 1, amended

(2) Subsection 3 of the said section 1 is repealed. R.S.O. 1960, c. 169, s. 1, subs. 3, repealed

2.—(1) Subsection 1 of section 8 of *The Habeas Corpus Act* is amended by striking out "Court of Appeal" in the sixth line and in the ninth line, and inserting in lieu thereof in each instance "Divisional Court", so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 1, amended

(1) Where a person confined or restrained of his liberty is brought before a judge upon a writ of *habeas corpus* and is remanded into custody upon the original order or warrant of commitment or by virtue of any warrant, order or rule of such judge, such person may appeal from the decision or judgment of the judge to the Divisional Court, and thereupon the writ of *habeas corpus*, the return thereto, and the affidavits, depositions, evidence, conviction and other proceedings shall be certified by the proper officer to the Divisional Court. Appeal from remand to custody

(2) Subsection 2 of the said section 8 is amended by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court", so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 2, amended

(2) The Divisional Court shall thereupon hear and determine the appeal without formal pleadings and, if the court determines that the confinement or restraint is illegal, shall so certify to the person having Court may order discharge

the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

R.S.O. 1960, c. 169, amended

3. *The Habeas Corpus Act* is amended by adding thereto the following section:

Appeal to Court of Appeal

8*a*. An appellant under section 8 may appeal from the decision of the Divisional Court to the Court of Appeal.

Commencement

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Habeas Corpus Amendment Act, 1970*.

1st Reading

October 7th, 1970

2nd Reading

October 15th, 1970

3rd Reading

October 28th, 1970

MR. WISHART

BILL 189

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to repeal The Damage by Fumes Arbitration Act

MR. WELLS

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The arbitration proceedings under this Act are now replaced by a board of negotiation under *The Air Pollution Control Act, 1967*. *The Damage by Fumes Arbitration Act* is, therefore, repealed.

BILL 189 **1970**

An Act to repeal The Damage by Fumes Arbitration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Damage by Fumes Arbitration Act* is repealed. R.S.O. 1960, c. 86, repealed

(2) *The Damage by Fumes Arbitration Amendment Act, 1968-69* is repealed. 1968-69, c. 22, repealed

2. This Act shall be deemed to have come into force on the 1st day of April, 1970. Commencement

3. This Act may be cited as *The Damage by Fumes Arbitration Repeal Act, 1970*. Short title

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

MR. WELLS

1970

BILL 189

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

n Act to repeal The Damage by Fumes Arbitration Act

MR. WELLS

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 189 **1970**

An Act to repeal The Damage by Fumes Arbitration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Damage by Fumes Arbitration Act* is repealed. R.S.O. 1960, c. 86, repealed

(2) *The Damage by Fumes Arbitration Amendment Act, 1968-69* is repealed. 1968-69, c. 22, repealed

2. This Act shall be deemed to have come into force on the 1st day of April, 1970. Commencement

3. This Act may be cited as *The Damage by Fumes Arbitration Repeal Act, 1970*. Short title

1st Reading

October 8th, 1970

2nd Reading

October 28th, 1970

3rd Reading

October 28th, 1970

MR. WELLS

1970

BILL 190

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Pesticides Act, 1967

MR. WELLS

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to sections 2 and 3 of the Bill.

SECTION 2. The name of the Pesticides Advisory Board is changed to Pesticides Advisory Committee and the function of holding hearings re licences is removed.

BILL 190 **1970**

An Act to amend The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Pesticides Act, 1967* is repealed and the following substituted therefor: 1967, c. 74, s. 1, cl. *a*, re-enacted

(*a*) "Board" means the Pesticides Licence Review Board.

(2) The said section 1, as amended by section 1 of *The Pesticides Amendment Act, 1968-69*, is further amended by adding thereto the following clauses: 1967, c. 74, s. 1, amended

(*aa*) "Committee" means the Pesticides Advisory Committee;

. . . . .

(*ba*) "Director" means an officer of the Department designated by the Minister as Director for the purpose of this Act.

2. Section 5, as amended by section 2 of *The Pesticides Amendment Act, 1968-69*, and sections 6 and 7 of *The Pesticides Act, 1967*, are repealed and the following substituted therefor: 1967, c. 74, ss. 5-7, re-enacted

5.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than ten members to be known as the Pesticides Advisory Committee. Advisory Committee

(2) Six members of the Committee constitute a quorum. Quorum

(3) The Lieutenant Governor in Council may designate one member of the Committee as chairman and may appoint a person who is not a member as secretary. Chairman and secretary

Functions

(4) The Committee shall,

(*a*) review annually the content and operatio of this Act and the regulations and recommen changes or amendments therein to th Minister;

(*b*) inquire into and consider any matter th Committee considers advisable concerning th use of substances for exterminations that ma affect public health or safety or the environ ment or produce other adverse effects, an any such matter referred to it by the Minister and report thereon to the Minister; and

(*c*) perform such other functions as the regula tions prescribe.

Issuance of licence

6.—(1) The Director shall issue a licence upon such terms and conditions as are specified in the regula tions, to an applicant for the particular class o licence applied for, where this Act and the regulation are complied with.

Grounds for revocation

(2) The Director may revoke or suspend the licenc where the operator or exterminator,

(*a*) contravenes this Act or the regulations;

(*b*) is in breach of a condition of the licence;

(*c*) is found to be incompetent, or grossly negligent;

(*d*) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

Pesticides Licence Review Board

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Licence Review Board and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

Notice of refusal or revocation

7*a*.—(1) Where the Director refuses to issue or proposes to revoke or suspend a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation

or suspension, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation or suspension, require a hearing by the Board.

Time for hearing

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice of hearing

(3) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

7*b*.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing.

Non-appearance

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence.

Adjournments

7*c*.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(*a*) to give evidence on oath or by affirmation at a hearing; and

(*b*) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Board makes default in attending; or

(*b*) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

7*d*.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

(4) All hearings shall be open to the public. Hearings public

7e.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board form the record. Evidence

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

7f.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

(2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Content of reasons

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of decision

7g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

Decision of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Protection from personal liability

7h.—No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

1967, c. 74, s. 13, amended

3.—(1) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clause:

(*aa*) providing for the appointment of examiners for applicants for licences, the period for which such appointments may be made and the remuneration of examiners.

1967, c. 74, s. 13, cl. *p*, amended

(2) Clause *p* of the said section 13 is amended by striking out "Board" in the second line and inserting in lieu thereof "Committee", so that the clause shall read as follows:

(*p*) prescribing functions, practices and procedures, tenure of office and remuneration of the Committee.

1967, c. 74, s. 13, amended

(3) The said section 13 is further amended by adding thereto the following clause:

(*ra*) governing the storage and disposal of any unused portion of any substance used for extermination.

1967, c. 74, s. 14, amended

4. Section 14 of *The Pesticides Act, 1967* is amended by striking out "not less than $25 and not more than $1,000" in the third and fourth lines and inserting in lieu thereof "not more than $2,000", so that the section shall read as follows:

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on

SECTION 3. The Pesticides Licence Review Board is established to hold hearings concerning licensing. The procedures and appeals are set out.

SECTION 4. The regulating section is amended to permit regulation of disposal of unused pesticides and to provide for the appointment of examiners.

SECTION 5. The monetary penalty for an offence is changed from a minimum of $25 and a maximum of $1,000 to a maximum of $2,000.

summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than three months, or to both.

Commencement

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Pesticides Amendment Act, 1970*.

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

MR. WELLS

1970

BILL 190

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Pesticides Act, 1967

MR. WELLS

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 190 **1970**

An Act to amend The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Pesticides Act, 1967* is repealed and the following substituted therefor: 1967, c. 74, s. 1, cl. *a*, re-enacted

(*a*) "Board" means the Pesticides Licence Review Board.

(2) The said section 1, as amended by section 1 of *The Pesticides Amendment Act, 1968-69*, is further amended by adding thereto the following clauses: 1967, c. 74, s. 1, amended

(*aa*) "Committee" means the Pesticides Advisory Committee;

. . . . .

(*ba*) "Director" means an officer of the Department designated by the Minister as Director for the purpose of this Act.

2. Section 5, as amended by section 2 of *The Pesticides Amendment Act, 1968-69*, and sections 6 and 7 of *The Pesticides Act, 1967*, are repealed and the following substituted therefor: 1967, c. 74, ss. 5-7, re-enacted

5.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than ten members to be known as the Pesticides Advisory Committee. Advisory Committee

(2) Six members of the Committee constitute a quorum. Quorum

(3) The Lieutenant Governor in Council may designate one member of the Committee as chairman and may appoint a person who is not a member as secretary. Chairman and secretary

Functions

(4) The Committee shall,

(*a*) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;

(*b*) inquire into and consider any matter the Committee considers advisable concerning the use of substances for exterminations that may affect public health or safety or the environment or produce other adverse effects, and any such matter referred to it by the Minister and report thereon to the Minister; and

(*c*) perform such other functions as the regulations prescribe.

Issuance of licence

6.—(1) The Director shall issue a licence upon such terms and conditions as are specified in the regulations, to an applicant for the particular class of licence applied for, where this Act and the regulations are complied with.

Grounds for revocation

(2) The Director may revoke or suspend the licence where the operator or exterminator,

(*a*) contravenes this Act or the regulations;

(*b*) is in breach of a condition of the licence;

(*c*) is found to be incompetent, or grossly negligent;

(*d*) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

Pesticides Licence Review Board

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Licence Review Board and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

Notice of refusal or revocation

7*a*.—(1) Where the Director refuses to issue or proposes to revoke or suspend a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation

or suspension, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation or suspension, require a hearing by the Board.

Time for hearing

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice of hearing

(3) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

7*b*.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing.

Non-appearance

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence.

Adjournments

7*c*.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(*a*) to give evidence on oath or by affirmation at a hearing; and

(*b*) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Board makes default in attending; or

(*b*) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

7*d*.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

(4) All hearings shall be open to the public. Hearings public

7e.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board form the record. Evidence

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

7f.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

(2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Content of reasons

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of decision

7g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

Decision of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Protection from personal liability

7h.—No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

1967, c. 74, s. 13, amended

3.—(1) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clause:

(*aa*) providing for the appointment of examiners for applicants for licences, the period for which such appointments may be made and the remuneration of examiners.

1967, c. 74, s. 13, cl. *p*, amended

(2) Clause *p* of the said section 13 is amended by striking out "Board" in the second line and inserting in lieu thereof "Committee", so that the clause shall read as follows:

(*p*) prescribing functions, practices and procedures, tenure of office and remuneration of the Committee.

1967, c. 74, s. 13, amended

(3) The said section 13 is further amended by adding thereto the following clause:

(*ra*) governing the storage and disposal of any unused portion of any substance used for extermination.

1967, c. 74, s. 14, amended

4. Section 14 of *The Pesticides Act, 1967* is amended by striking out "not less than $25 and not more than $1,000" in the third and fourth lines and inserting in lieu thereof "not more than $2,000", so that the section shall read as follows:

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on

summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than three months, or to both.

Commencement

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Pesticides Amendment Act, 1970*.

1st Reading

October 8th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

MR. WELLS

1970

BILL 191

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Fatal Accidents Act

MR. BULLBROOK

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment increases to $750 the amount which may be awarded for necessary burial expenses in an action brought under this Act.

BILL 191 **1970**

An Act to amend The Fatal Accidents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Fatal Accidents Act* is amended by striking out "$300" in the fourth line and inserting in lieu thereof "$750", so that the subsection shall read as follows: R.S.O. 1960, c. 138, s. 3, subs. 2, amended

(2) In an action brought under this Act where funeral expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding $750 for the necessary expenses of the burial of the deceased, except that, where the body of the deceased is transported a considerable distance for burial, further damages may be awarded for the necessary extra expenses of burial thus entailed. Funeral expenses

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fatal Accidents Amendment Act, 1970*. Short title

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

MR. BULLBROOK

1970

BILL 192

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

The Noise Pollution Control Act, 1970

MR. BURR

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The purpose of this Act is to establish a means of regulating, controlling and prohibiting excess noise in the surrounding environment.

BILL 192 **1970**

The Noise Pollution Control Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means The Noise Pollution Control Advisory Board;

(*b*) "Department" means the Department of Health;

(*c*) "Minister" means the Minister of Health;

(*d*) "noise pollution" means any level of noise that may cause discomfort to or endanger the health or safety of persons or animal life or that may cause injury or damage to property;

(*e*) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;

(*f*) "regulations" means the regulations made under this Act.

Powers and duties of Minister

2. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

(*a*) investigate noise pollution problems;

(*b*) conduct research in the field of noise pollution;

(*c*) conduct noise studies and monitoring programmes;

(*d*) convene conferences, conduct seminars and educational programmes in the field of noise pollution;

(*e*) publish and disseminate information on noise pollution;

(*f*) appoint committees to perform such advisory functions as the Minister deems desirable.

Delegation of powers to officer

3. The Minister may authorize any officer or officers of the Department to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act, except sections 6 and 10, or under the regulations.

Advisory Board

4.—(1) A board to be known as "The Noise Pollution Control Advisory Board" shall be established consisting of not more then twelve members appointed by the Lieutenant Governor in Council as the regulations prescribe, one of whom may be designated as chairman and one as secretary.

Members

(2) The composition of the Board shall be such as to provide for competent and knowledgeable persons in the engineering, medical, urban planning, industry, agricultural and labour fields and members at large.

Vacancies

(3) Vacancies in the membership of the Board may be filled by the Lieutenant Governor in Council.

Duties of Board

(4) The Board shall review and report upon the recommendations of a provincial officer and perform such other duties and functions as the Minister may direct.

Provincial officers

5.—(1) The Minister may designate officers of the Department as provincial officers for the purposes of this Act and the regulations.

Powers of provincial officers

(2) A provincial officer may enter in or upon any land or premises at any reasonable time and make or require to be made such examinations, tests and inquiries as may be necessary or advisable for the purposes of this Act or the regulations.

Information

(3) Every operator and owner shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations.

Obstructing provincial officer

(4) No person shall obstruct a provincial officer in the exercise of his power under this section.

Power to review, etc.

6.—(1) Any person who complains that it is not feasible or practicable to comply with a certificate of approval or order issued or made under this Act may request the Minister to review the certificate or order, and the Minister may review, rescind or alter any such certificate or order.

Appeal to judge

(2) If after a review by the Minister any person complains that it is still not feasible or practicable to comply with the certificate of approval or order, he may, within fifteen days after receipt of the decision of the Minister, appeal to a judge of the county or district court of the county or district in which the source of noise pollution in respect of which the certificate or order was issued or made is located, and such appeal shall be a hearing *de novo*, and the judge may dismiss the appeal or rescind or alter any such certificate or order and his decision is final.

Approval to creation of new source of noise pollution required

7.—(1) No person shall construct a source of noise pollution unless he has obtained from the Minister a certificate of approval to the method and devices to be employed to control the emission of any noise from the source and to prevent noise pollution.

Application, plans, etc.

(2) An applicant for a certificate of approval shall submit to the Minister such plans, specifications and other information with respect to the source of noise pollution as the Minister may require.

Certificate of approval

(3) The Minister may issue a certificate of approval subject to such terms and conditions respecting the method and devices to be employed for the control of the emission of any noise from the source of noise pollution, and for the prevention of noise pollution as the Minister deems necessary.

Construction in accordance with approval

(4) No person shall construct a source of noise pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued.

Expiration of certificate of approval

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time.

Survey by provincial officer

8.—(1) A provincial officer may survey from time to time any source of noise pollution and after completing such survey shall report thereon with his recommendations,

(*a*) respecting the source of noise pollution and such method of operation and devices as may be necessary to prevent or lessen the emission of any noise;

(*b*) respecting the source of noise pollution where no equipment, apparatus, device, mechanism or structure is involved and such method of operation as may be necessary to prevent or lessen the emission of any noise.

Report to be sent to Department and operator

(2) The provincial officer shall file his report and recommendations with the Department and shall serve upon the operator or owner of the source of noise pollution a copy thereof.

Review of report and recommendations by Board

(3) Upon receipt of a request in writing of the operator or owner filed with the secretary of the Board not later than fourteen days after the operator or owner received a copy of the report and recommendations, the Board shall review the report and recommendations of the provincial officer and, before it reports thereon with its recommendations, the Board shall provide the Minister and the operator or owner with an opportunity of appearing before it at a hearing to be held not earlier than fourteen days after notice has been served on the Minister and the operator or owner stating the time and place of the hearing.

Counsel

(4) Upon a hearing, the parties are entitled to be present and to be represented by counsel and make such representations as they desire.

Report of Board

(5) The Board shall send its report and recommendations to the Minister and shall forthwith serve a copy thereof upon the operator or owner.

Order of Minister

9.—(1) Upon receipt of the report and recommendations of a provincial officer or, if such a report and recommendations are reviewed by the Board, upon receipt of the report and recommendations of the Board, the Minister may make such order as he deems necessary for prohibiting the operation of the source of noise pollution or requiring changes respecting the source of noise pollution or the method of operation or devices employed to prevent or lessen the emission of any noise or to reduce or control noise pollution.

No order until time for requesting review expires

(2) No order in respect of a source of noise pollution shall be made under subsection 1 until fourteen days have elapsed after the report and recommendations of a provincial officer have been received by the operator or owner of the source of noise pollution.

Where pollution creates serious danger to health

10.—(1) Whenever the Minister, after investigation, is of the opinion that any person is emitting or causing to be emitted any noise that constitutes a serious danger to the health of any persons and that it would be prejudicial to the interests of such persons to delay action to complete a survey under section 8, he shall notify the person by a written order that he must immediately discontinue the emission of such noise including reasons therefor, whereupon such person shall immediately discontinue such emission.

(2) The Minister shall, as soon as possible thereafter and in any event not later than seven days after giving such notice, provide the person with an opportunity to be heard and to present any evidence that such emission does not constitute a serious danger to the health of any persons. Hearing

11.—(1) Where a person complains that noise pollution is causing or has caused injury or damage to live stock which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation. Where noise pollution causes damage to live stock

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation. Request for investigation

(3) A copy of the report shall be given to the claimant and to the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage. Report of investigation

(4) The claimant shall permit the operator or owner of such source of noise pollution or his agent to view the injury or damage. Right of owner to view damage, etc.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of negotiation

(6) Any two members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board. Quorum

(7) The board of negotiation may sit at any place in Ontario. Place of sitting

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the operator or owner of the source of noise pollution alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined. Notice of amount of claim

(9) If the claimant and the operator or owner are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the operator or owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation. Notice of negotiation

Negotiation proceedings

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the operator or owner, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim.

Sale of new motor vehicles and engines contrary to regulations

12.—(1) No person shall sell, offer or expose for sale a new motor vehicle or new motor vehicle engine of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle complies with the regulations.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500.

Operation of motor vehicles without effective system or device

13.—(1) No person shall operate a motor vehicle of a class or type that is required by the regulations to have installed on or incorporated in it any system or device to prevent or lessen the emission of noise unless such motor vehicle has installed on or incorporated in it such system or device and makes effective use of such system or device.

Offence

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) classifying sources of noise pollution and exempting any class or classes from the provisions of this Act and the regulations;

(*b*) classifying motor vehicles and motor vehicle engines for the purpose of any regulation and exempting any class or type of motor vehicle or motor vehicle engine from any regulation;

(*c*) requiring motor vehicles or any class or type thereof and motor vehicle engines or any class or type thereof to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of noise, prescribing the standards and specifications of any such system or device, prescribing the standards of emission to which any such

system or device shall comply and providing for the testing and inspection of any such system or device;

(*d*) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission of noise;

(*e*) defining and designating new motor vehicles and new motor vehicle engines for the purpose of any regulation;

(*f*) prohibiting or regulating and controlling the emission of any noise from any source of noise pollution or any class thereof;

(*g*) designating the areas in Ontario to which this Act and the regulations are applicable and designating the date on which this Act and the regulations become effective in any area;

(*h*) prescribing the composition, quorum and practice and procedure of the Board and the terms of office and remuneration of its members;

(*i*) prescribing the noise level of noise criteria to be used in controlling, regulating or prohibiting the emission of any noise and the standards thereof;

(*j*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Scope of regulations

(2) Any regulation may be general or particular in its application and may be limited as to time or place or both.

Application of Act and regulations

15. Notwithstanding any general or special Act, this Act and the regulations apply in such areas in Ontario as are designated by the regulations.

Offences

16.—(1) Every person who contravenes any provision of this Act, except section 12 or 13, or of the regulations or any order of the Minister made under this Act or the regulations, is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than $2,000, and, if a corporation, on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000.

Idem

(2) Each day that a person contravenes a provision of this Act or the regulations or an order made by the Minister constitutes a separate offence.

Service of reports, orders, etc.

17. Any report, order or notice served under this Act shall be deemed to be sufficiently served if it or a copy thereof is delivered to the operator of the source of noise pollution in respect of which the report, order or notice is served, or is delivered,

(*a*) in the case of a municipality, including a district, metropolitan or regional municipality, to the head or clerk of the municipality;

(*b*) in the case of any other corporation, to the president, vice-president, manager, treasurer, secretary, clerk or agent of the corporation or of any branch or agency thereof in Ontario;

(*c*) in the case of a firm or partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm or partnership, to a clerk employed therein; or

(*d*) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk employed therein.

Noise pollution control by-laws R.S.O. 1960, c. 249

18. Every noise pollution control by-law of a municipality, including a district, metropolitan or regional municipality, passed under *The Municipal Act*, that is in force immediately before this Act comes into force, shall remain in force until this Act and the regulations become effective in the municipality.

Commencement

19. This Act comes into force on the 1st day of January, 1971.

Short title

20. This Act may be cited as *The Noise Pollution Control Act, 1970*.

1st Reading

October 8th, 1970

2nd Reading

3rd Reading

MR. BURR

1970

BILL 193

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Investment Contracts Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this amendment is to permit the quarterly reports required to be filed with the Superintendent of Insurance by investment contract issuers to be certified by an officer of the issuer appointed by the Superintendent, instead of solely by the auditor of the issuer. The auditor is still required to report on the annual statement.

BILL 193 **1970**

An Act to amend The Investment Contracts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 16 of *The Investment Contracts Act* is amended by inserting after "auditor" in the fifth line "or by such officer of the issuer as may be approved by the Superintendent", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 194, s. 16, subs. 1, amended

(1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor or by such officer of the issuer as may be approved by the Superintendent, showing, Filing statement

. . . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Investment Contracts Amendment Act, 1970*. Short title

1st Reading

October 14th, 1970

2nd Reading

3rd Reading

Mr. Lawrence
(Carleton East)

1970

BILL 193

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Investment Contracts Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 193 **1970**

An Act to amend The Investment Contracts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 16 of *The Investment Contracts Act* is amended by inserting after "auditor" in the fifth line "or by such officer of the issuer as may be approved by the Superintendent", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 194, s. 16, subs. 1, amended

(1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor or by such officer of the issuer as may be approved by the Superintendent, showing, Filing statement

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Investment Contracts Amendment Act, 1970*. Short title

1st Reading

October 14th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

Mr. Lawrence
(Carleton East)

1970

BILL 194

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Prepaid Hospital and Medical Services Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Sections 1 and 2. The amendments add the reasonableness of rates to the grounds for refusing registration or renewal of registration.

Section 3. The new provision requires notice and approval of changes in rates.

BILL 194 **1970**

An Act to amend The Prepaid Hospital and Medical Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Prepaid Hospital and Medical Services Act*, as amended by subsection 2 of section 4 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 304, s. 5, subs. 2, amended

(*ca*) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

2. Subsection 2 of section 6 of *The Prepaid Hospital and Medical Services Act*, as amended by section 5 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 304, s. 6, subs. 2, amended

(*ba*) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

3. *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following section: R.S.O. 1960, c. 304, amended

6*a*.—(1) An association shall file with the Superintendent any proposed change in rates at least thirty days prior to the effective date of the change, together with particulars as to how any such rate is made up, and shall furnish such other further information with respect thereto that the Superintendent may require. Filing of proposed rate change

Order of prohibition

(2) The Superintendent may, within thirty days of the filing with him of any notice of a proposed change in rates by order, prohibit the proposed change of rate if, in his opinion, such proposed change in rates would be excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

R.S.O. 1960, c. 304, s. 8, amended

4. Section 8 of *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following subsections:

Conditional or limited registration

(2) Any registration, or renewal of registration, may be granted by the Superintendent subject to such limitations and conditions relating to the operations of the association that the Superintendent considers necessary to give effect to this Act or for the protection of persons, subscribers or members of any association in Ontario.

Application of s. 6*a*, ss. 11-16

(3) Where the registration of a registered association lapses or is suspended or cancelled and where the Superintendent considers it necessary for the protection of persons, subscribers or members, the Superintendent may designate the association as one to which this Act continues to apply and, until the designation is revoked, section 6*a* and sections 11 to 16 apply to such designated association in the same manner as to a registered association.

Winding up

R.S.O. 1960, c. 71

(4) The Superintendent may apply to the court under section 257 of *The Corporations Act* for an order winding up an association that has ceased issuing contracts to its members or subscribers and sections 256 to 284 of *The Corporations Act* apply thereto.

R.S.O. 1960, c. 304, s. 15, re-enacted

5. Section 15 of *The Prepaid Hospital and Medical Services Act* is repealed and the following substituted therefor:

Investments

15. A registered association may invest its funds in the same manner and subject to the same limitations as apply to a joint stock insurance company under *The Corporations Act*, and not otherwise.

R.S.O. 1960, c. 71

R.S.O. 1960, c. 304, s. 18, amended

6. Section 18 of *The Prepaid Hospital and Medical Services Act* is amended by striking out "$20" in the fourth line and inserting in lieu thereof "$100", so that the section shall read as follows:

Offence to carry on business unless registered

18. Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is

SECTION 4. The new provisions give the Superintendent greater control over the winding up of the affairs and contracts of an association that ceases its operations.

SECTION 5. The amendment improves the language adopting the investment limitations of joint stock insurance companies.

SECTION 6. The maximum penalty is increased from $20 per day to $100 per day. The amount has remained unchanged since 1950 when the Act was first enacted.

guilty of an offence and on summary conviction is liable to a fine of $100 for each day during which the association carries on such business.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Prepaid Hospital and Medical Services Amendment Act, 1970*.

1st Reading

October 14th, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

1970

BILL 194

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Prepaid Hospital and Medical Services Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 194 **1970**

An Act to amend The Prepaid Hospital and Medical Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Prepaid Hospital and Medical Services Act*, as amended by subsection 2 of section 4 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 304, s. 5, subs. 2, amended

(*ca*) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

2. Subsection 2 of section 6 of *The Prepaid Hospital and Medical Services Act*, as amended by section 5 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 304, s. 6, subs. 2, amended

(*ba*) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

3. *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following section: R.S.O. 1960, c. 304, amended

6*a*.—(1) An association shall file with the Superintendent any proposed change in rates at least thirty days prior to the effective date of the change, together with particulars as to how any such rate is made up, and shall furnish such other further information with respect thereto that the Superintendent may require. Filing of proposed rate change

Order of prohibition

(2) The Superintendent may, within thirty days of the filing with him of any notice of a proposed change in rates by order, prohibit the proposed change of rate if, in his opinion, such proposed change in rate would be excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

R.S.O. 1960, c. 304, s. 8, amended

4. Section 8 of *The Prepaid Hospital and Medical Service Act* is amended by adding thereto the following subsections:

Conditional or limited registration

(2) Any registration, or renewal of registration, may be granted by the Superintendent subject to such limitations and conditions relating to the operation of the association that the Superintendent considers necessary to give effect to this Act or for the protection of persons, subscribers or members of any association in Ontario.

Application of s. 6*a*, ss. 11-16

(3) Where the registration of a registered association lapses or is suspended or cancelled and where the Superintendent considers it necessary for the protection of persons, subscribers or members, the Superintendent may designate the association as one to which this Act continues to apply and, until the designation is revoked, section 6*a* and sections 11 to 16 apply to such designated association in the same manner as to a registered association.

Winding up

R.S.O. 1960, c. 71

(4) The Superintendent may apply to the court under section 257 of *The Corporations Act* for an order winding up an association that has ceased issuing contracts to its members or subscribers and sections 256 to 284 of *The Corporations Act* apply thereto.

R.S.O. 1960, c. 304, s. 15, re-enacted

5. Section 15 of *The Prepaid Hospital and Medical Service Act* is repealed and the following substituted therefor:

Investments

15. A registered association may invest its funds in the same manner and subject to the same limitations as apply to a joint stock insurance company under *The Corporations Act*, and not otherwise.

R.S.O. 1960, c. 71

R.S.O. 1960, c. 304, s. 18, amended

6. Section 18 of *The Prepaid Hospital and Medical Service Act* is amended by striking out "$20" in the fourth line and inserting in lieu thereof "$100", so that the section shall read as follows:

Offence to carry on business unless registered

18. Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor

guilty of an offence and on summary conviction is liable to a fine of $100 for each day during which the association carries on such business.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Prepaid Hospital and Medical Services Amendment Act, 1970.* Short title

1st Reading

October 14th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

MR. LAWRENCE (Carleton East)

1970

BILL 195

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Improvement Act

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The amendment is to authorize the use of space and areas over or under highways where it will not unduly interfere with the use of the highways.

Section 2. The amendment permits the continuation of connecting link agreements where an urban municipality or a part thereof, in which a connecting link is located, becomes part of a township.

BILL 195 **1970**

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 171, s. 2, amended

(3) The Minister may authorize any department or agency of the Crown or any municipality, including a district, metropolitan or regional municipality, or a local board thereof or any corporation or person, by lease, licence or other arrangement, Use of space and areas over or under highway

(*a*) to use; or

(*b*) to construct, maintain and use buildings, structures or improvements in or on,

any space or area located over, across or under a highway under the jurisdiction of the Department where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway.

2. Subsection 1 of section 22 of *The Highway Improvement Act*, as re-enacted by subsection 1 of section 4 of *The Highway Improvement Amendment Act, 1962-63* and amended by subsection 1 of section 1 of *The Highway Improvement Amendment Act, 1967*, is further amended by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 171, s. 22, subs. 1 (1962-63, c. 55, s. 4, subs. 1), amended

(*d*) that was a connecting link between parts of the King's Highway or an extension of the King's Highway on the date it came under the jurisdiction and control of a township.

R.S.O. 1960, c. 171, s. 23 (1968, c. 49, s. 1), re-enacted

3. Section 23 of *The Highway Improvement Act*, as re-enacted by section 1 of *The Highway Improvement Amendment Act, 1968*, is repealed and the following substituted therefor:

Transportation needs study report

23. The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

R.S.O. 1960, c. 171, s. 25, subs. 2, re-enacted

4. Subsection 2 of section 25 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Consent to closing of highway connecting with King's Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the approval of the Lieutenant Governor in Council, and a by-law passed for any of such purposes does not take effect until it has been approved by the Lieutenant Governor in Council.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1970*.

SECTION 3. The provision is expanded to authorize studies of the whole transportation needs of a municipality.

SECTION 4. Subsection 2 is revised to clarify the procedure.

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. GOMME

1970

BILL 195

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Improvement Act

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 195 **1970**

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 171, s. 2, amended

(3) The Minister may authorize any department or agency of the Crown or any municipality, including a district, metropolitan or regional municipality, or a local board thereof or any corporation or person, by lease, licence or other arrangement, Use of space and areas over or under highway

(*a*) to use; or

(*b*) to construct, maintain and use buildings, structures or improvements in or on,

any space or area located over, across or under a highway under the jurisdiction of the Department where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway.

2. Subsection 1 of section 22 of *The Highway Improvement Act*, as re-enacted by subsection 1 of section 4 of *The Highway Improvement Amendment Act, 1962-63* and amended by subsection 1 of section 1 of *The Highway Improvement Amendment Act, 1967*, is further amended by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 171, s. 22, subs. 1 (1962-63, c. 55, s. 4, subs. 1), amended

(*d*) that was a connecting link between parts of the King's Highway or an extension of the King's Highway on the date it came under the jurisdiction and control of a township.

R.S.O. 1960, c. 171, s. 23 (1968, c. 49, s. 1), re-enacted

3. Section 23 of *The Highway Improvement Act*, as re-enacted by section 1 of *The Highway Improvement Amendment Act, 1968*, is repealed and the following substituted therefor:

Transportation needs study report

23. The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

R.S.O. 1960, c. 171, s. 25, subs. 2, re-enacted

4. Subsection 2 of section 25 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Consent to closing of highway connecting with King's Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the approval of the Lieutenant Governor in Council, and a by-law passed for any of such purposes does not take effect until it has been approved by the Lieutenant Governor in Council.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1970*.

1st Reading

October 15th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

MR. GOMME

1970

BILL 196

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Local Roads Boards Act, 1964

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides that lands acquired under this Act for local road purposes are vested in the Crown.

BILL 196 **1970**

An Act to amend The Local Roads Boards Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Local Roads Boards Act, 1964* is amended by adding thereto the following subsection: 1964, c. 56, s. 33, amended

(3) All land heretofore or hereafter acquired under subsection 2 is vested in the Crown in right of Ontario and is under the jurisdiction and control of the Minister and when no longer required for the purposes of this Act may be sold, leased or otherwise disposed of by the Minister. Land vested in Crown

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Local Roads Boards Amendment Act, 1970*. Short title

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. GOMME

1970

BILL 196

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Local Roads Boards Act, 1964

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 196 **1970**

An Act to amend The Local Roads Boards Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Local Roads Boards Act, 1964* is amended by adding thereto the following subsection: 1964, c. 56, s. 33, amended

(3) All land heretofore or hereafter acquired under subsection 2 is vested in the Crown in right of Ontario and is under the jurisdiction and control of the Minister and when no longer required for the purposes of this Act may be sold, leased or otherwise disposed of by the Minister. Land vested in Crown

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Local Roads Boards Amendment Act, 1970*. Short title

1st Reading

October 15th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

MR. GOMME

1970

BILL 197

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Department of Highways Act

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Minister is authorized to delegate certain of his powers to the Deputy Minister or other officials of the Department.

BILL 197 **1970**

An Act to amend The Department of Highways Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Highways Act* is amended by adding thereto the following section: R.S.O. 1960, c. 96, amended

7. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may delegate that power or authority to the Deputy Minister, or to any other person employed in the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may impose and set out. Powers conferred on Deputy Minister, etc.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Department of Highways Amendment Act, 1970*. Short title

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. GOMME

1970

BILL 198

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Commuter Services Act, 1965

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 AND 2. The amendments are required to clarify the right of Her Majesty to operate a commuter service other than by agreement with third parties.

BILL 198 **1970**

An Act to amend The Commuter Services Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Commuter Services Act, 1965* is repealed and the following substituted therefor: 1965, c. 17, s. 3, subs. 1, re-enacted

(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, Establishment and operation of commuter services

(*a*) establish and operate; and

(*b*) with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of,

commuter services to serve any one or more areas in Ontario.

2. Subsection 1 of section 4 of *The Commuter Services Act, 1965*, as amended by subsection 1 of section 1 of *The Commuter Services Amendment Act, 1966*, is further amended by striking out "by agreement" in the ninth line, so that the subsection shall read as follows: 1965, c. 17, s. 4, subs. 1, amended

(1) The Minister may, Acquisition of property

(*a*) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing: and

(*b*) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment a
operation, or either of them, of any commuter serv
that is or is to be provided under section 3.

1965, c. 17, s. 4*a* (1967, c. 10, s. 1), amended

3. Section 4*a* of *The Commuter Services Act, 1965*, as acted by section 1 of *The Commuter Services Amendment A 1967* is amended by adding thereto the following clauses:

(*da*) governing the terms and conditions upon wh tickets may be sold;

(*db*) governing the conduct of passengers and for refusi passage to persons who do not comply with regulations or the terms and conditions upon wh tickets are sold.

Commencement

4. This Act comes into force on the day it receives Ro Assent.

Short title

5. This Act may be cited as *The Commuter Services Ame ment Act, 1970*.

SECTION 3. The Lieutenant Governor in Council is authorized to make regulations in respect of the matters set out in clauses *da* and *db*.

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. GOMME

1970

BILL 198

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Commuter Services Act, 1965

MR. GOMME

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 198 **1970**

An Act to amend The Commuter Services Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Commuter Services Act, 1965* is repealed and the following substituted therefor: 1965, c. 17, s. 3, subs. 1, re-enacted

(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, Establishment and operation of commuter services

(*a*) establish and operate; and

(*b*) with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of,

commuter services to serve any one or more areas in Ontario.

2. Subsection 1 of section 4 of *The Commuter Services Act, 1965*, as amended by subsection 1 of section 1 of *The Commuter Services Amendment Act, 1966*, is further amended by striking out "by agreement" in the ninth line, so that the subsection shall read as follows: 1965, c. 17, s. 4, subs. 1, amended

(1) The Minister may, Acquisition of property

(*a*) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(*b*) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided under section 3.

1965, c. 17, s. 4*a* (1967, c. 10, s. 1), amended

3. Section 4*a* of *The Commuter Services Act, 1965*, as enacted by section 1 of *The Commuter Services Amendment Act, 1967* is amended by adding thereto the following clauses:

(*da*) governing the terms and conditions upon which tickets may be sold;

(*db*) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Commuter Services Amendment Act, 1970*.

1st Reading

October 15th, 1970

2nd Reading

October 28th, 1970

3rd Reading

November 5th, 1970

MR. GOMME

1970

BILL 199

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Works Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The provision for the appointment of staff is brought up to date and in line with *The Public Service Act, 1961-62*. Specific provision is made for the office of Queen's Printer and Publisher.

Section 2. The provision for tendering is rewritten.

BILL 199 **1970**

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 4, re-enacted

Staff 1961-62, c. 121

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Queen's Printer and Publisher

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister.

2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 5, subss. 1, 2, re-enacted; subs. 3, repealed

Tenders for public works

(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall, invite tenders therefor except,

(*a*) in cases of emergency where delay would be damaging; or

(*b*) where, in the opinion of the Minister, the nature of the work is such that it is not advisable to invite tenders.

Security for performance

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act.

R.S.O. 1960, c. 338, s. 8, re-enacted

3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Disposal of real property

(2) Any disposal by the Minister of real property or any grant of lease of or interest in real property for a term in excess of ten years is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960, c. 338, ss. 17, 18, 19, re-enacted ss. 20-36, repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

Functions of Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

(*a*) acquire, lease and dispose of public works;

(*b*) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;

(*c*) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,

(i) regulating vehicular and pedestrian traffic,

(ii) setting apart any such buildings, premises or part for a limited use, and

(iii) fixing and collecting fees for parking in any area set apart for the purpose;

(*d*) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government

SECTION 3. The amendment incorporates the present subsection 1 of section 5 of the Act and section 8 into one provision.

SECTION 4. The provisions repealed provide for expropriations now covered by *The Expropriations Act, 1968-69*. The functions of the Department are set out and provision for internal delegation is added. Also provision is made for the matters set out in the proposed section 19 of the Act to be dealt with by regulation.

(*e*) purchase services and materiel for the government;

(*f*) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;

(*g*) provide such other services as the Lieutenant Governor in Council assigns.

Delegation of authority

18. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may delegate that power or authority to the Deputy Minister, or to any other person employed in the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may impose and set out.

Regulations

19. The Lieutenant Governor in Council may make regulations,

(*a*) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;

(*b*) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;

(*c*) for the preservation and management of any public building.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Works Amendment Act, 1970*.

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. SIMONETT

1970

BILL 199

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Works Act

MR. SIMONETT

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provision for the appointment of staff is brought up to date and in line with *The Public Service Act, 1961-62*. Specific provision is made for the office of Queen's Printer and Publisher.

SECTION 2. The provision for tendering is rewritten.

BILL 199 1970

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 4, re-enacted

Staff 1961-62, c. 121

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

Queen's Printer and Publisher

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister.

2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 5, subss. 1, 2, re-enacted; sub. 3, repealed

Tenders for public works

(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor except,

(*a*) in cases of emergency where in the opinion of the Minister delay would be damaging; or

(*b*) where the estimated cost of the work is less than $10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature annually.

Security for performance

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act.

R.S.O. 1960, c. 338, s. 8, re-enacted

3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government by sale, lease or otherwise, property real or personal including any interest or title therein.

Disposal of real property

(2) Any disposal by the Minister of real property or any grant or lease of, or of an interest in, real property is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960, c. 338, ss. 17, 18, 19, re-enacted ss. 20-36, repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

Functions of Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

(*a*) acquire, lease and dispose of public works;

(*b*) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;

(*c*) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,

(i) regulating vehicular and pedestrian traffic,

(ii) setting apart any such buildings, premises or part for a limited use, and

(iii) fixing and collecting fees for parking in any area set apart for the purpose;

(*d*) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government

SECTION 3. The amendment incorporates the present subsection 1 of section 5 of the Act and section 8 into one provision.

SECTION 4. The provisions repealed provide for expropriations now covered by *The Expropriations Act, 1968-69*. The functions of the Department are set out and provision for internal delegation is added. Also provision is made for the matters set out in the proposed section 19 of the Act to be dealt with by regulation.

(*e*) purchase services and materiel for the government;

(*f*) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;

(*g*) provide such other services as the Lieutenant Governor in Council assigns.

Delegation of authority

18. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Regulations

19. The Lieutenant Governor in Council may make regulations,

(*a*) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;

(*b*) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;

(*c*) for the preservation and management of any public building.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Works Amendment Act, 1970*.

1st Reading

October 15th, 1970

2nd Reading

November 12th, 1970

3rd Reading

MR. SIMONETT

(*Reprinted as amended by the Committee of the Whole House*)

1970

BILL 199

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Works Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 199 1970

An Act to amend The Public Works Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 4, re-enacted

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department. Staff 1961-62, c. 121

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister. Queen's Printer and Publisher

2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 338, s. 5, subss. 1, 2, re-enacted; subs. 3, repealed

(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor except, Tenders for public works

(*a*) in cases of emergency where in the opinion of the Minister delay would be damaging; or

(*b*) where the estimated cost of the work is less than $10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature annually.

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act. Security for performance

R.S.O. 1960, c. 338, s. 8, re-enacted

3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Disposal of real property

(2) Any disposal by the Minister of real property or any grant or lease of, or of an interest in, real property is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960, c. 338, ss. 17, 18, 19, re-enacted ss. 20-36, repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

Functions of Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

(*a*) acquire, lease and dispose of public works;

(*b*) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;

(*c*) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,

(i) regulating vehicular and pedestrian traffic,

(ii) setting apart any such buildings, premises or part for a limited use, and

(iii) fixing and collecting fees for parking in any area set apart for the purpose;

(*d*) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government

(*e*) purchase services and materiel for the government;

(*f*) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;

(*g*) provide such other services as the Lieutenant Governor in Council assigns.

Delegation of authority

18. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

Regulations

19. The Lieutenant Governor in Council may make regulations,

(*a*) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;

(*b*) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;

(*c*) for the preservation and management of any public building.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Works Amendment Act, 1970*.

1st Reading

October 15th, 1970

2nd Reading

November 12th, 1970

3rd Reading

November 13th, 1970

MR. SIMONETT

1970

BILL 200

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

Act to amend The Real Estate and Business Brokers Act

MR. SHULMAN

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

These amendments extend the prospectus requirements which used to apply only to subdivision lots or units outside Ontario, so that they now apply to subdivision lots or units in the province as well.

BILL 200 1970

An Act to amend The Real Estate and Business Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 54*b* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 54*b* (1962-63, c. 123, s. 24), subs. 1, re-enacted

(1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. Sale of subdivision land

2. Subsection 1 of section 54*c* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63* and amended by section 12 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 54*c* (1962-63, c. 123, s. 24), subs. 1, re-enacted

(1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision unless, Prospectus to be delivered to purchaser

(*a*) a copy of the prospectus referred to in section 54*b* or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;

(*b*) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and

(*c*) he is a registered broker or the contract is negotiated by a registered broker.

R.S.O. 1960, c. 344, s. 54*k* (1968-69, c. 105, s. 15), re-enacted

3. Section 54*k* of *The Real Estate and Business Brokers Act*, as enacted by section 15 of *The Real Estate and Business Brokers Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Approval of advertisements

54*k*. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision until the advertisement has been approved by the Registrar.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1970*.

1st Reading

October 15th, 1970

2nd Reading

3rd Reading

MR. SHULMAN

1970

BILL 201

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend Centennial Centre of Science and Technology Act, 1965

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Sections 1, 2 and 3. The amendments change the name of The Centennial Centre of Science and Technology to The Ontario Science Centre.

Section 4. The quorum of the board is changed from a majority to seven.

BILL 201 **1970**

An Act to amend The Centennial Centre of Science and Technology Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title of *The Centennial Centre of Science and Technology Act, 1965* is amended by striking out "The Centennial Centre of Science and Technology" in the second and third lines and inserting in lieu thereof "The Ontario Science Centre", so that the long title shall read as follows: 1965, c. 12, long title amended

An Act to provide for the Establishment and Operation of The Ontario Science Centre.

2. Clause *b* of section 1 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor: 1965, c. 12, s. 1, cl. *b*, re-enacted

(*b*) "Centre" means The Ontario Science Centre.

3. Subsection 1 of section 2 of *The Centennial Centre of Science and Technology Act, 1965* is amended by striking out "The Centennial Centre of Science and Technology" in the third and fourth lines and inserting in lieu thereof "The Ontario Science Centre", so that the subsection shall read as follows: 1965, c. 12, s. 2, subs. 1, amended

(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of The Ontario Science Centre, and the corporation shall consist of not fewer than sixteen and not more than twenty-six trustees. Centre established

4. Subsection 4 of section 3 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor: 1965, c. 12, s. 3, subs. 4, re-enacted

(4) Seven trustees constitute a quorum. Quorum

1965, c. 12, s. 8, re-enacted

5. Section 8 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor:

Exemption from taxation

8. The Centre and its real and personal property, business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature.

1965, c. 12, s. 13, re-enacted

6. Section 13 of *The Centennial Centre of Science and Technology Act, 1965* is repealed and the following substituted therefor:

Short title

13. This Act may be cited as *The Ontario Science Centre Act, 1965*.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Centennial Centre of Science and Technology Amendment Act, 1970*.

SECTION 5. The amendment adds the Centre itself to the matters exempt from taxation to ensure that the exemption includes taxes not based on property, business or income.

SECTION 6. Complementary to sections 1, 2 and 3 of the Bill.

1st Reading

October 22nd, 1970

2nd Reading

3rd Reading

MR. AULD

1970

BILL 202

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Income Tax Act, 1961-62

MR. WHITE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides that the tax payable by individuals for the 1971 taxation year shall be 28 per cent of the basic tax payable under the federal Act for that taxation year.

BILL 202 **1970**

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*, as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968* and section 1 of *The Income Tax Amendment Act, 1968-69* is further amended by striking out "and" at the end of clause *g* in the amendment of 1968-69, by adding "and" at the end of clause *h* in the amendment of 1968-69 and by adding thereto the following clause: 1961-62, c. 60, s. 3, subs. 3, amended

(*i*) 28 per cent in respect of the 1971 taxation year.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Income Tax Amendment Act, 1970 (No. 2)*. Short title

1st Reading

October 23rd, 1970

2nd Reading

3rd Reading

MR. WHITE

1970

BILL 202

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Income Tax Act, 1961-62

MR. WHITE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 202 **1970**

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*, as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968* and section 1 of *The Income Tax Amendment Act, 1968-69* is further amended by striking out "and" at the end of clause *g* in the amendment of 1968-69, by adding "and" at the end of clause *h* in the amendment of 1968-69 and by adding thereto the following clause: 1961-62, c. 60, s. 3, subs. 3, amended

(*i*) 28 per cent in respect of the 1971 taxation year.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Income Tax Amendment Act, 1970 (No. 2)*. Short title

1st Reading

October 23rd, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. WHITE

1970

BILL 203

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

The Bill provides amendments to Part XVI which was passed at the current session.

Section 1. The definitions of dual and triple axles are rewritten.

Section 2. The amendment clarifies the application of the section.

BILL 203 **1970**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 160 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 160 (1970, c. 74, s. 9), subs. 1, cl. *h*, re-enacted

(*h*) "dual axle" means any two consecutive axles whose centres are more than 40 inches apart and,

(i) are articulated from a common attachment to the vehicle, or

(ii) designed to equalize the load between the two axles.

(2) Clause *j* of subsection 1 of the said section 160 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 160 (1970, c. 74, s. 9), subs. 1, cl. *j*, re-enacted

(*j*) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches apart, and,

(i) are articulated from an attachment to the vehicle common to the consecutive axles, or

(ii) designed to equalize the load between the three axles.

2. Subsection 1 of section 170 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 170 (1970, c. 74, s. 9), subs. 1, re-enacted

(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles Application of Part VI or XVI after March 1st, 1971

may be operated on a highway only in accordance with and subject to the provisions of this Part, sections 53, 56, 57 and 58 or of Part VI.

R.S.O. 1960, c. 172, Part XVI (1970, c. 74, s. 9), Tables 1, 2, re-enacted

3. Tables 1 and 2 of Part XVI of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, are repealed and the following substituted therefor:

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
40 or less	20,000
More than 40 and less than 48	32,000
48 " " " 51	35,000
51 " " " 54	35,500
54 " " " 57	36,000
57 " " " 60	36,500
60 " " " 63	37,500
63 " " " 66	38,000
66 " " " 69	38,500
69 " " " 72	39,000
72 or more	40,000

SECTION 3. Tables 1 and 2 of Part XVI are revised.

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
80 or less	35,000
More than 80 and less than 96	40,000
96 " " " 111	44,000
111 " " " 114	44,500
114 " " " 117	45,000
117 " " " 120	45,500
120 " " " 123	46,000
123 " " " 126	46,500
126 " " " 129	47,500
129 " " " 132	48,000
132 " " " 135	49,000
135 " " " 138	49,500
138 " " " 141	50,000
141 " " " 144	50,500
144 " " " 147	51,000
147 " " " 150	51,500
150 " " " 153	52,500
153 " " " 156	53,000
156 " " " 159	54,000
159 " " " 162	54,500
162 " " " 165	55,000
165 " " " 168	55,500
168 " " " 171	56,000
171 " " " 174	56,500
174 " " " 177	57,000
177 " " " 180	57,500
180 " " " 183	58,500
183 " " " 186	59,000
186 " " " 189	59,500
189 " " " 192	59,500
192 or more	60,000

4. This Act comes into force on the 1st day of March, 1971. Commencement

5. This Act may be cited as *The Highway Traffic Amendment Act, 1970. (No. 2).* Short title

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. HASKETT

1970

BILL 203

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 203 **1970**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 160 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 160 (1970, c. 74, s. 9), subs. 1, cl. *h*, re-enacted

(*h*) "dual axle" means any two consecutive axles whose centres are more than 40 inches apart and,

(i) are articulated from a common attachment to the vehicle, or

(ii) designed to equalize the load between the two axles.

(2) Clause *j* of subsection 1 of the said section 160 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 160 (1970, c. 74, s. 9), subs. 1, cl. *j*, re-enacted

(*j*) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches apart, and,

(i) are articulated from an attachment to the vehicle common to the consecutive axles, or

(ii) designed to equalize the load between the three axles.

2. Subsection 1 of section 170 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 170 (1970, c. 74, s. 9), subs. 1, re-enacted

Application of Part VI or XVI after March 1st, 1971

(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles

may be operated on a highway only in accordance with and subject to the provisions of this Part, sections 53, 56, 57 and 58 or of Part VI.

R.S.O. 1960, c. 172, Part XVI (1970, c. 74, s. 9), Tables 1, 2, re-enacted

3. Tables 1 and 2 of Part XVI of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, are repealed and the following substituted therefor:

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

Column One	Column Two
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
40 or less	20,000
More than 40 and less than 48	32,000
48 " " " 51	35,000
51 " " " 54	35,500
54 " " " 57	36,000
57 " " " 60	36,500
60 " " " 63	37,500
63 " " " 66	38,000
66 " " " 69	38,500
69 " " " 72	39,000
72 or more	40,000

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

COLUMN ONE Axle Spacing in Inches	COLUMN TWO Maximum Allowable Weight in Pounds
80 or less	35,000
More than 80 and less than 96	40,000
96 " " " 111	44,000
111 " " " 114	44,500
114 " " " 117	45,000
117 " " " 120	45,500
120 " " " 123	46,000
123 " " " 126	46,500
126 " " " 129	47,500
129 " " " 132	48,000
132 " " " 135	49,000
135 " " " 138	49,500
138 " " " 141	50,000
141 " " " 144	50,500
144 " " " 147	51,000
147 " " " 150	51,500
150 " " " 153	52,500
153 " " " 156	53,000
156 " " " 159	54,000
159 " " " 162	54,500
162 " " " 165	55,000
165 " " " 168	55,500
168 " " " 171	56,000
171 " " " 174	56,500
174 " " " 177	57,000
177 " " " 180	57,500
180 " " " 183	58,500
183 " " " 186	59,000
186 " " " 189	59,500
189 " " " 192	59,500
192 or more	60,000

4. This Act comes into force on the 1st day of March, 1971. Commencement

5. This Act may be cited as *The Highway Traffic Amendment Act, 1970. (No. 2)*. Short title

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. HASKETT

1970

BILL 204

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The amendments are complementary to the re-enactment of Part XII of *The Highway Traffic Act* at the current session. References to the repealed sections of *The Highway Traffic Act* are deleted from the affected sections.

The amendments also remove the provisions for mandatory suspension of an owner's permit from sections 5 and 9 of the Act.

BILL 204 **1970**

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 1, cl. *d*, subcl. ii, re-enacted

(ii) in respect of which there is on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability prescribed under section 216 of *The Insurance Act*, or R.S.O. 1960, c. 190

. . . . .

2.—(1) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 2, subs. 2, re-enacted

(2) Unless the owner of a motor vehicle, Uninsured motor vehicle fee

(*a*) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 216 of *The Insurance Act*; or

(*b*) has on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability provided under section 216 of *The Insurance Act*; or

(*c*) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality, R.S.O. 1960, c. 172

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

1961-62, c. 84, s. 2, subs. 5, re-enacted

(2) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Uninsured motor vehicle fee payable on cancellation of insurance, etc.

(5) When the owner of a motor vehicle,

(*a*) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or

(*b*) has on deposit with the Registrar securities or a bond as required under clause *b* of subsection 2 and the securities or bond, as the case may be, are cancelled,

the owner shall pay forthwith the uninsured motor vehicle fee.

1961-62, c. 84, s. 3, subss. 3, 4 (1964, c. 66, s. 3), re-enacted

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by section 3 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, are repealed and the following substituted therefor:

Offence for failure to produce evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500.

Offence for producing false evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition his licence may be suspended for a period of not more than one year.

1961-62, c. 84, s. 5, subs. 5 (1964, c. 66, s. 4, subs. 1), re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by subsection 1 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

(5) Where payment is made under subsection 3, the driver's licence of the person to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person has, Suspension of licence

(*a*) repaid in full to the Fund the amount paid out; or

(*b*) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10.

(2) Subsection 6 of the said section 5, as amended by subsection 2 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor: 1961-62, c. 84, s. 5, subs. 6, re-enacted

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence of such person. Suspension on default of payment

5. Section 9 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 9, re-enacted

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver's licence of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has, Suspension of licence

(*a*) repaid in full to the Fund the amount paid out; or

(*b*) commenced instalment repayments in accordance with section 10 and the regulations made thereunder.

6. Section 26*a* of *The Motor Vehicle Accident Claims Act, 1961-62*, as enacted by section 8 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed. 1961-62, c. 84, s. 26*a* (1964, c. 66, s. 8), repealed

7. This Act comes into force on the 1st day of December, 1970. Commencement

8. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. HASKETT

1970

BILL 204

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 204 **1970**

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 1, cl. *d*, subcl. ii, re-enacted

(ii) in respect of which there is on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability prescribed under section 216 of *The Insurance Act*, or R.S.O. 1960, c. 190

. . . . .

2.—(1) Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 2, subs. 2, re-enacted

(2) Unless the owner of a motor vehicle, Uninsured motor vehicle fee

(*a*) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 216 of *The Insurance Act*; or

(*b*) has on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability provided under section 216 of *The Insurance Act*; or

(*c*) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality, R.S.O. 1960, c. 172

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee as may be prescribed by the Lieutenant Governor in Council.

1961-62, c. 84, s. 2, subs. 5, re-enacted

(2) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Uninsured motor vehicle fee payable on cancellation of insurance, etc.

(5) When the owner of a motor vehicle,

(*a*) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or

(*b*) has on deposit with the Registrar securities or a bond as required under clause *b* of subsection 2 and the securities or bond, as the case may be, are cancelled,

the owner shall pay forthwith the uninsured motor vehicle fee.

1961-62, c. 84, s. 3, subss. 3, 4 (1964, c. 66, s. 3), re-enacted

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by section 3 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, are repealed and the following substituted therefor:

Offence for failure to produce evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500.

Offence for producing false evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition his licence may be suspended for a period of not more than one year.

1961-62, c. 84, s. 5, subs. 5 (1964, c. 66, s. 4, subs. 1), re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by subsection 1 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

(5) Where payment is made under subsection 3, the driver's licence of the person to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person has, Suspension of licence

(*a*) repaid in full to the Fund the amount paid out; or

(*b*) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10.

(2) Subsection 6 of the said section 5, as amended by subsection 2 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor: 1961-62, c. 84, s. 5, subs. 6, re-enacted

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence of such person. Suspension on default of payment

5. Section 9 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 9, re-enacted

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver's licence of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has, Suspension of licence

(*a*) repaid in full to the Fund the amount paid out; or

(*b*) commenced instalment repayments in accordance with section 10 and the regulations made thereunder.

6. Section 26*a* of *The Motor Vehicle Accident Claims Act, 1961-62*, as enacted by section 8 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed. 1961-62, c. 84, s. 26*a* (1964, c. 66, s. 8), repealed

7. This Act comes into force on the 1st day of December, 1970. Commencement

8. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. HASKETT

1970

BILL 205

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Forestry Act

MR. BRUNELLE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

"Municipality" is defined to include a district municipality and a regional municipality.

BILL 205 1970

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forestry Act*, as amended by section 1 of *The Forestry Amendment Act, 1961-62* and section 1 of *The Forestry Amendment Act, 1967*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 153, s. 1, amended

(*ab*) "municipality" includes a district municipality and a regional municipality.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Forestry Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

1970

BILL 205

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Forestry Act

MR. BRUNELLE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 205 1970

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forestry Act*, as amended by section 1 of *The Forestry Amendment Act, 1961-62* and section 1 of *The Forestry Amendment Act, 1967*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 153, s. 1, amended

(*ab*) "municipality" includes a district municipality and a regional municipality.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Forestry Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. BRUNELLE

1970

BILL 206

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Trees Act

MR. BRUNELLE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

A new definition of county is added for the purposes of giving district and regional municipalities the powers of counties under the Act.

BILL 206 1970

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, as re-enacted by section 1 of *The Trees Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 406, s. 1 (1967, c. 103, s. 1), re-enacted

1. In this Act, Interpretation

(*a*) "county" includes a district municipality and a regional municipality;

(*b*) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trees Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

1970

BILL 206

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Trees Act

MR. BRUNELLE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 206 1970

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, as re-enacted by section 1 of *The Trees Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 406, s. 1 (1967, c. 103, s. 1), re-enacted

1. In this Act, Interpretation

(*a*) "county" includes a district municipality and a regional municipality;

(*b*) "forestry purposes" includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trees Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. BRUNELLE

BILL 207

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Land Tax Act, 1961-62

MR. BRUNELLE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1.—Subsection 1. The liability to assessment and taxation of machinery used for the production of power for sale is removed.

Subsection 2. Facilities owned by school boards in territory without municipal organization in respect of which a grant has been made under *The Community Centres Act* are exempted from taxation.

BILL 207 **1970**

An Act to amend The Provincial Land Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 1 of section 3 of *The Provincial Land Tax Act, 1961-62* is amended by striking out "or for producing power for sale" in the sixth line, so that the paragraph shall read as follows: 1961-62, c. 111, s. 3, subs. 1, par. 10, amended

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service. Machinery

(2) Subsection 1 of the said section 3 is amended by adding thereto the following paragraph: 1961-62, c. 111, s. 3, subs. 1, amended

16. The buildings and grounds of an athletic field, an outdoor swimming pool, an outdoor skating rink or a community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction R.S.O. 1960, cc. 60, 361 Community centres

only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act*.

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1970*.

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

1970

BILL 207

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Land Tax Act, 1961-62

MR. BRUNELLE

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 207 **1970**

An Act to amend The Provincial Land Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 1 of section 3 of *The Provincial Land Tax Act, 1961-62* is amended by striking out "or for producing power for sale" in the sixth line, so that the paragraph shall read as follows: 1961-62, c. 111, s. 3, subs. 1, par. 10, amended

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service. Machinery

(2) Subsection 1 of the said section 3 is amended by adding thereto the following paragraph: 1961-62, c. 111, s. 3, subs. 1, amended

16. The buildings and grounds of an athletic field, an outdoor swimming pool, an outdoor skating rink or a community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction Community centres R.S.O. 1960, cc. 60, 361

only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act*.

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1970*.

1st Reading

October 26th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. BRUNELLE

1970

BILL 208

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Gasoline Handling Act, 1968-69

MR. BALES

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The administration of the Act is transferred to the Minister of Labour.

BILL 208 **1970**

An Act to amend The Gasoline Handling Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Gasoline Handling Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 41, s. 1, cl. *j*, re-enacted

(*j*) "Minister" means the Minister of Labour.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Gasoline Handling Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

3rd Reading

MR. BALES

1970

BILL 208

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Gasoline Handling Act, 1968-69

MR. BALES

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 208 **1970**

An Act to amend The Gasoline Handling Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Gasoline Handling Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 41, s. 1, cl. *j*, re-enacted

(*j*) "Minister" means the Minister of Labour.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Gasoline Handling Amendment Act, 1970*. Short title

1st Reading

October 26th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. BALES

1970

BILL 209

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The Bill provides for the appointment of a Registrar for the Tribunal and authorizes the Registrar and members of the Tribunal to administer oaths for the purposes of its proceedings.

BILL 209 **1970**

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8*a* of *The Department of Financial and Commercial Affairs Act, 1966*, as enacted by section 2 of *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*, is amended by adding thereto the following subsections: 1966, c. 41, s. 8*a* (1968-69, c. 25, s. 2), amended

(11) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal. Registrar of the Tribunal

(12) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings. Administration of oaths

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1970*. Short title

1st Reading

October 27th, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

1970

BILL 209

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 209 **1970**

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8*a* of *The Department of Financial and Commercial Affairs Act, 1966*, as enacted by section 2 of *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*, is amended by adding thereto the following subsections: 1966, c. 41, s. 8*a* (1968-69, c. 25, s. 2), amended

(11) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal. Registrar of the Tribunal

(12) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings. Administration of oaths

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1970*. Short title

1st Reading

October 27th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. LAWRENCE (Carleton East)

1970

BILL 210

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Residential Property Tax Reduction Act, 1968

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The Bill implements the recently announced Government program to reduce the amount of property taxes paid by pensioners.

BILL 210 **1970**

An Act to amend The Residential Property Tax Reduction Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Residential Property Tax Reduction Act, 1968* is amended by adding thereto the following sections: 1968, c. 118, amended

8*a*.—(1) Commencing in the year 1970 and in respect of each year thereafter, the Treasurer of Ontario shall pay the sum of $50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Minister, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). Supplementary tax assistance to certain pensioners R.S.C. 1952, c. 200

(2) Where a person is eligible for a payment under subsection 1 and he or his spouse is entitled to a reduction in municipal taxes under section 2 in respect of the property in which he or she resides, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person shall, subject to subsection 3, be entitled to be paid by the Treasurer of Ontario for each year, upon submission of an application, in a form prescribed by the Minister, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to, Additional payment

(*a*) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse after the reduction made under section 2 in that year for such property further reduced by the sum of $50; or

(*b*) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Minister, reduced by the sum of $50.

Maximum additional payment $50

(3) No payment under subsection 2 shall exceed $50.

Regulations

8*b*. The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations extending the eligibility for payments under section 8*a* to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1952, c. 200

Idem

8*c*. The Minister may make regulations,

(*a*) prescribing a date or dates for the purposes of subsections 1 and 2 of section 8*a*;

(*b*) prescribing forms of application for the purposes of section 8*a*;

(*c*) generally for the administration of section 8*a*.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1970* (*No. 2*).

1st Reading

October 28th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 210

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Residential Property Tax Reduction Act, 1968

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 210 **1970**

An Act to amend The Residential Property Tax Reduction Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Residential Property Tax Reduction Act, 1968* is amended by adding thereto the following sections: 1968, c. 118, amended

8*a*.—(1) Commencing in the year 1970 and in respect of each year thereafter, the Treasurer of Ontario shall pay the sum of $50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Minister, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). Supplementary tax assistance to certain pensioners R.S.C. 1952, c. 200

(2) Where a person is eligible for a payment under subsection 1 and he or his spouse is entitled to a reduction in municipal taxes under section 2 in respect of the property in which he or she resides, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person shall, subject to subsection 3, be entitled to be paid by the Treasurer of Ontario for each year, upon submission of an application, in a form prescribed by the Minister, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to, Additional payment

(*a*) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse after the reduction made under section 2 in that year for such property further reduced by the sum of $50; or

(*b*) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Minister, reduced by the sum of $50.

Maximum additional payment $50

(3) No payment under subsection 2 shall exceed $50.

Regulations

8*b*. The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations extending the eligibility for payments under section 8*a* to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1952, c. 200

Idem

8*c*. The Minister may make regulations,

(*a*) prescribing a date or dates for the purposes of subsections 1 and 2 of section 8*a*;

(*b*) prescribing forms of application for the purposes of section 8*a*;

(*c*) generally for the administration of section 8*a*.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1970* (*No. 2*).

1st Reading

October 28th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. MCKEOUGH

1970

BILL 211

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Division Courts Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Sections 1, 2, 3, and 4. The name of division courts is changed to small claims courts.

BILL 211 1970

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The title to *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, title re-enacted

The Small Claims Courts Act.

(2) A reference to *The Division Courts Act* in any statute, regulation or document shall be deemed to be a reference to *The Small Claims Courts Act.* References

2. Sections 3 and 4 of *The Division Courts Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 110, ss. 3, 4, re-enacted

3. Subject to this Act and the rules, the division courts existing on the day section 2 of *The Division Courts Amendment Act, 1970* comes into force are continued and shall be known as small claims courts. Small claims courts

4. The court in each division shall be called "The First (*or as the case may be*) Small Claims Court of the County of .....". Name

3.—(1) After this section comes into force, the division courts and division court judges, clerks and bailiffs shall be known and referred to as small claims courts, and small claims court judges, clerks and bailiffs, and nothing in section 1 or 2 shall be construed to affect the continuance of any action, proceeding or other matter or any process commenced in or issued from a division court before this section comes into force, under the name as changed to the small claims court. Designation of courts

(2) Every reference to division courts or to any judge, officer, office or process thereof in any statute, regulation or document shall be deemed to be a reference to the small claims court for the same division or to a judge, officer, office or process thereof, as the case may be. References

R.S.O. 1960, c. 110, s. 11*a* (1961-62, c. 35, s. 2), re-enacted

4. Section 11*a* of *The Division Courts Act*, as enacted by section 2 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appointment of judges

11*a*.—(1) The Lieutenant Governor in Council may appoint small claims court judges.

Idem

(2) Division court judges who are in office when section 3 of *The Division Courts Amendment Act, 1970* comes into force shall continue in office as small claims court judges.

R.S.O. 1960, c. 110, s. 19, re-enacted

5. Section 19 of *The Division Courts Act* is repealed and the following substituted therefor:

Holiday defined

19.—(1) In this section, "holiday" means,

R.S.O. 1960, c. 191

(*a*) a holiday as defined in *The Interpretation Act*;

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the small claims court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every small claims court office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960, c. 110, s. 31 (1968, c. 31, s. 4), amended

6. Section 31 of *The Division Courts Act*, as re-enacted by section 4 of *The Division Courts Amendment Act, 1968*, is amended by striking out "and emoluments" in the first line, so that the section shall read as follows:

Fees for sittings

31. Where the gross fees earned by a clerk or bailiff are less than $1,000 a year, there shall be paid to the clerk and bailiff, respectively, out of the moneys appropriated by the Legislature for the administration of justice the sum of $4 for attending each sitting of the court.

SECTION 5. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

SECTIONS 6 and 7. The amendment provides supplements for the income of division court clerks and bailiffs whose gross fees are in the lower ranges as set out in section 7.

SECTION 8. The amendment provides for appeals to go to the Supreme Court where they will be heard by the Divisional Court of the High Court with appeal to the Court of Appeal on questions of law by leave, as provided for in *An Act to amend The Judicature Act* (Bill 183).

SECTION 9. Specific reference to Osgoode Hall is deleted because of the location of some court offices at 145 Queen Street West.

7.—(1) *The Division Courts Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 110, amended

31*a*. Where the gross fees earned by a clerk in a year are less than $13,333.33, there shall be paid to the clerk an additional allowance amounting to 10 per cent of such gross fees less 40 per cent of such gross fees that are in excess of $10,000. Additional allowance for clerks

31*b*. Where the gross fees earned by a bailiff in a year are less than $20,000, there shall be paid to the bailiff an additional allowance of 10 per cent of such gross fees, less 20 per cent of such gross fees that are in excess of $10,000. Additional allowance for bailiffs

(2) The moneys required for the purposes of this section in respect of the period from the 1st day of January, 1969 to the 31st day of March, 1970 shall be paid out of the Consolidated Revenue Fund and thereafter the moneys required for the purposes of this section shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys

8.—(1) Section 108 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1964*, is further amended by striking out "Court of Appeal" in the first and second lines and inserting in lieu thereof "Supreme Court", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 110, s. 108, amended

108. Subject to section 107, an appeal lies to the Supreme Court from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted, Appeal to Supreme Court

. . . . .

(2) Clause *d* of the said section 108 is amended by striking out "Court of Appeal" in the fourth line and inserting in lieu thereof "Supreme Court", so that the clause shall read as follows: R.S.O. 1960, c. 110, s. 108, cl. *d*, amended

(*d*) where the effect of the decision is to determine that a general assessment made by a mutual insurance company is invalid, but the company, unless the Supreme Court otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event.

9. Section 111 of *The Division Courts Act* is amended by striking out "Osgoode Hall" in the third line. R.S.O. 1960, c. 110, s. 111, amended

R.S.O. 1960, c. 110, s. 112, subs. 1, amended

10. Subsection 1 of section 112 of *The Division Courts Act* is amended by striking out "and shall be heard and determined by one justice of appeal" in the second and third lines, so that the subsection shall read as follows:

Appeal, when and how made

(1) The appeal shall be made in the time and manner prescribed by the rules of court.

R.S.O. 1960, c. 110, s. 113, amended

11. Section 113 of *The Division Courts Act* is amended by striking out "Court of Appeal" in the first line and in the second line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Powers and duties of Supreme Court R.S.O. 1960, c. 76

113. On an appeal to the Supreme Court under this Act, the Supreme Court has the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto applies *mutatis mutandis* to appeals under this Act.

R.S.O. 1960, c. 110, ss. 179-181, repealed

12. Sections 179, 180 and 181 of *The Division Courts Act* are repealed.

R.S.O. 1960, c. 110, s. 215, subs. 1, re-enacted

13. Subsection 1 of section 215 of *The Division Courts Act* is repealed and the following substituted therefor:

Appeal

(1) An appeal lies to the Supreme Court from a judgment under section 214.

Application of ss. 8, 10, 11, 13

14. Sections 8, 10, 11 and 13 do not apply to actions commenced before those sections come into force.

Commencement

15.—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 8, 10, 11, 13 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3 and 4 come into force on the 1st day of January, 1971.

Idem

(3) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(4) Sections 8, 10, 11, 13 and 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Division Courts Amendment Act, 1970*.

SECTIONS 10 and 11. Complementary to section 8 of the Bill.

SECTION 12. The provisions deleted provide special procedures for distraint for arrears of rent, rendered obsolete by the amendments made to *The Landlord and Tenant Act* in the 1968-69 session.

SECTION 13. Complementary to section 8 of the Bill.

1st Reading

October 28th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 211

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Division Courts Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 211 **1970**

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The title to *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, title re-enacted

The Small Claims Courts Act.

(2) A reference to *The Division Courts Act* in any statute, regulation or document shall be deemed to be a reference to *The Small Claims Courts Act.* References

2. Sections 3 and 4 of *The Division Courts Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 110, ss. 3, 4, re-enacted

3. Subject to this Act and the rules, the division courts existing on the day section 2 of *The Division Courts Amendment Act, 1970* comes into force are continued and shall be known as small claims courts. Small claims courts

4. The court in each division shall be called "The First (*or as the case may be*) Small Claims Court of the County of .....". Name

3.—(1) After this section comes into force, the division courts and division court judges, clerks and bailiffs shall be known and referred to as small claims courts, and small claims court judges, clerks and bailiffs, and nothing in section 1 or 2 shall be construed to affect the continuance of any action, proceeding or other matter or any process commenced in or issued from a division court before this section comes into force, under the name as changed to the small claims court. Designation of courts

(2) Every reference to division courts or to any judge, officer, office or process thereof in any statute, regulation or document shall be deemed to be a reference to the small claims court for the same division or to a judge, officer, office or process thereof, as the case may be. References

R.S.O. 1960, c. 110, s. 11*a* (1961-62, c. 35, s. 2), re-enacted

4. Section 11*a* of *The Division Courts Act*, as enacted by section 2 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appointment of judges

11*a*.—(1) The Lieutenant Governor in Council may appoint small claims court judges.

Idem

(2) Division court judges who are in office when section 3 of *The Division Courts Amendment Act, 1970* comes into force shall continue in office as small claims court judges.

R.S.O. 1960, c. 110, s. 19, re-enacted

5. Section 19 of *The Division Courts Act* is repealed and the following substituted therefor:

Holiday defined

19.—(1) In this section, "holiday" means,

R.S.O. 1960, c. 191

(*a*) a holiday as defined in *The Interpretation Act*;

(*b*) Saturday;

(*c*) the day proclaimed as Civic Holiday in the municipality in which the small claims court office is located;

(*d*) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every small claims court office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960, c. 110, s. 31 (1968, c. 31, s. 4), amended

6. Section 31 of *The Division Courts Act*, as re-enacted by section 4 of *The Division Courts Amendment Act, 1968*, is amended by striking out "and emoluments" in the first line, so that the section shall read as follows:

Fees for sittings

31. Where the gross fees earned by a clerk or bailiff are less than $1,000 a year, there shall be paid to the clerk and bailiff, respectively, out of the moneys appropriated by the Legislature for the administration of justice the sum of $4 for attending each sitting of the court.

7.—(1) *The Division Courts Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 110, amended

31*a*. Where the gross fees earned by a clerk in a year are less than $13,333.33, there shall be paid to the clerk an additional allowance amounting to 10 per cent of such gross fees less 40 per cent of such gross fees that are in excess of $10,000. Additional allowance for clerks

31*b*. Where the gross fees earned by a bailiff in a year are less than $20,000, there shall be paid to the bailiff an additional allowance of 10 per cent of such gross fees, less 20 per cent of such gross fees that are in excess of $10,000. Additional allowance for bailiffs

(2) The moneys required for the purposes of this section in respect of the period from the 1st day of January, 1969 to the 31st day of March, 1970 shall be paid out of the Consolidated Revenue Fund and thereafter the moneys required for the purposes of this section shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys

8.—(1) Section 108 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1964*, is further amended by striking out "Court of Appeal" in the first and second lines and inserting in lieu thereof "Supreme Court", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 110, s. 108, amended

108. Subject to section 107, an appeal lies to the Supreme Court from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted, Appeal to Supreme Court

. . . . . .

(2) Clause *d* of the said section 108 is amended by striking out "Court of Appeal" in the fourth line and inserting in lieu thereof "Supreme Court", so that the clause shall read as follows: R.S.O. 1960, c. 110, s. 108, cl. *d*, amended

(*d*) where the effect of the decision is to determine that a general assessment made by a mutual insurance company is invalid, but the company, unless the Supreme Court otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event.

9. Section 111 of *The Division Courts Act* is amended by striking out "Osgoode Hall" in the third line. R.S.O. 1960, c. 110, s. 111, amended

R.S.O. 1960, c. 110, s. 112, subs. 1, amended

10. Subsection 1 of section 112 of *The Division Courts Act* is amended by striking out "and shall be heard and determined by one justice of appeal" in the second and third lines, so that the subsection shall read as follows:

Appeal, when and how made

(1) The appeal shall be made in the time and manner prescribed by the rules of court.

R.S.O. 1960, c. 110, s. 113, amended

11. Section 113 of *The Division Courts Act* is amended by striking out "Court of Appeal" in the first line and in the second line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Powers and duties of Supreme Court R.S.O. 1960, c. 76

113. On an appeal to the Supreme Court under this Act, the Supreme Court has the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto applies *mutatis mutandis* to appeals under this Act.

R.S.O. 1960, c. 110, ss. 179-181, repealed

12. Sections 179, 180 and 181 of *The Division Courts Act* are repealed.

R.S.O. 1960, c. 110, s. 215, subs. 1, re-enacted

13. Subsection 1 of section 215 of *The Division Courts Act* is repealed and the following substituted therefor:

Appeal

(1) An appeal lies to the Supreme Court from a judgment under section 214.

Application of ss. 8, 10, 11, 13

14. Sections 8, 10, 11 and 13 do not apply to actions commenced before those sections come into force.

Commencement

15.—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 8, 10, 11, 13 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3 and 4 come into force on the 1st day of January, 1971.

Idem

(3) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(4) Sections 8, 10, 11, 13 and 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Division Courts Amendment Act, 1970.*

1st Reading

October 28th, 1970

2nd Reading

November 5th, 1970

3rd Reading

November 5th, 1970

MR. WISHART

1970

BILL 212

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Officers' Fees Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The reference to emolument is removed as there are no emoluments that are not fees.

Section 2. The amendment increases the portion of fees between $10,000 and $20,000 that may be retained by division court clerks and bailiffs, for division court clerks, from 60 per cent to 100 per cent and, for bailiffs, from 80 per cent to 100 per cent. The percentage over $20,000 remains the same.

BILL 212 **1970**

An Act to amend The Public Officers' Fees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Public Officers' Fees Act* is amended by striking out "or other emoluments" in the second line and by striking out "and emoluments" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 327, s. 2, subs. 1, amended

(1) Every officer to whom this Act applies who is paid by fees and not by salary only shall pay to the Treasurer of Ontario a percentage of the fees earned by him during the calendar year as provided by this Act and by any regulation made thereunder. Percentage of fees payable to Province

2. Section 7 of *The Public Officers' Fees Act*, as re-enacted by section 1 of *The Public Officers' Fees Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 327, s. 7 (1962-63, c. 116, s. 1), re-enacted

7.—(1) Every division court clerk is entitled to retain to his own use in each year, Division court clerks

(*a*) all the gross fees earned by him in that year up to $20,000;

(*b*) on the excess over $20,000, 40 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

(2) Every division court bailiff is entitled to retain to his own use in each year, Division court bailiffs

(*a*) all the gross fees earned by him in that year up to $20,000;

(*b*) on the excess over $20,000, 70 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

Commencement

3. This Act shall be deemed to have come into force on the 1st day of January, 1969.

Short title

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1970*.

1st Reading

October 28th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 212

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Public Officers' Fees Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 212 **1970**

An Act to amend The Public Officers' Fees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Public Officers' Fees Act* is amended by striking out "or other emoluments" in the second line and by striking out "and emoluments" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 327, s. 2, subs. 1, amended

(1) Every officer to whom this Act applies who is paid by fees and not by salary only shall pay to the Treasurer of Ontario a percentage of the fees earned by him during the calendar year as provided by this Act and by any regulation made thereunder. Percentage of fees payable to Province

2. Section 7 of *The Public Officers' Fees Act*, as re-enacted by section 1 of *The Public Officers' Fees Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 327, s. 7 (1962-63, c. 116, s. 1), re-enacted

7.—(1) Every division court clerk is entitled to retain to his own use in each year, Division court clerks

(*a*) all the gross fees earned by him in that year up to $20,000;

(*b*) on the excess over $20,000, 40 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

(2) Every division court bailiff is entitled to retain to his own use in each year, Division court bailiffs

(*a*) all the gross fees earned by him in that year up to $20,000;

(*b*) on the excess over $20,000, 70 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

Commencement

3. This Act shall be deemed to have come into force on the 1st day of January, 1969.

Short title

4. This Act may be cited as *The Public Officers' Fees Amendment Act, 1970*.

1st Reading

October 28th, 1970

2nd Reading

November 5th, 1970

3rd Reading

November 5th, 1970

MR. WISHART

1970

BILL 213

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Stock Yards Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment authorizes an increase in the membership of the Ontario Stock Yards Board.

BILL 213 **1970**

An Act to amend The Stock Yards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Stock Yards Act* is amended by striking out "seven" in the first line and inserting in lieu thereof "nine", so that the subsection shall read as follows: R.S.O. 1960, c. 385, s. 2, subs. 3, amended

(3) The Board shall consist of not more than nine persons appointed by the Lieutenant Governor in Council. Members of Board

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Stock Yards Amendment Act, 1970*. Short title

1st Reading

October 29th, 1970

2nd Reading

3rd Reading

MR. STEWART

1970

BILL 213

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Stock Yards Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 213 **1970**

An Act to amend The Stock Yards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Stock Yards Act* is amended by striking out "seven" in the first line and inserting in lieu thereof "nine", so that the subsection shall read as follows: R.S.O. 1960, c. 385, s. 2, subs. 3, amended

(3) The Board shall consist of not more than nine persons appointed by the Lieutenant Governor in Council. Members of Board

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Stock Yards Amendment Act, 1970*. Short title

1st Reading

October 29th, 1970

2nd Reading

November 3rd, 1970

3rd Reading

November 5th, 1970

MR. STEWART

1970

BILL 214

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regional Municipality of Niagara Act, 1968-69

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Certain minor changes and corrections are made in the descriptions of the boundaries of the area municipalities.

BILL 214 **1970**

An Act to amend The Regional Municipality of Niagara Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor: 1968-69, c. 106, s. 2, subs. 1, cl. *g*, amended

"THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175′ west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175′ west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100′ east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100′ east of the centre line of the present ship canal to a point distant 1,000′ measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road".

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor: 1968-69, c. 106, s. 2, subs. 1, cl. *k*, amended

"THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175′ west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175′ west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100′ east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100′ east of the centre line of the present ship canal to a point distant 1,000′ measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

and by striking out "225" in the third line of the eighteenth paragraph of the description and inserting in lieu thereof "northerly along the west boundary of Lot 225, easterly along the north boundary of Lot 225, southerly along the east boundary of Lot 225 to its meeting with the midway line being the line between the north and south halves of Lot 224 thence easterly along the said midway line being the line between the north and south halves of lots".

1968-69, c. 106, s. 3, subs. 5, re-enacted

2. Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections 1972 Niagara Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(*a*) redivide the City of Niagara Falls into wards;

(*b*) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(*c*) provide for such other matters as he considers necessary to hold such election.

SECTION 2. The special provisions re ward representation are continued for the 1972 election in Niagara Falls.

SECTION 3. The provisions continuing existing speed limits in the Regional Area for the year 1970 are continued until such speed limits are changed in accordance with *The Highway Traffic Act* by the appropriate authority.

SECTION 4. The amendment is to make it clear that the provisions of this Act providing for the constitution of the Niagara Regional Board apply for the year 1970 and thereafter.

SECTION 5. The amendment is to make it clear that the number of years of service to be credited to a member is the total of his service with the police force of the local municipality of which he was a member on the 31st day of December, 1969, and his service with the police force of the area municipality.

3.—(1) Subsection 1 of section 81*a* of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out "during the year 1970" in the fourth line, so that the subsection shall read as follows: 1968-69, c. 106, s. 81*a* (1968-69, c. 107, s. 4), subs. 1, amended

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village. Existing speed limits continued R.S.O. 1960, c. 172

(2) Subsection 3 of the said section 81*a* is amended by striking out "during the year 1970" in the seventh line, so that the subsection shall read as follows: 1968-69, c. 106, s. 81*a* (1968-69, c. 107, s. 4), subs. 3, amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto. Existing by-laws under s. 59 of R.S.O. 1960, c. 172 continued

4. Clause *a* of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "*Act*" in the fourth line "except subsections 1 to 4 of section 7 thereof", so that the clause shall read as follows: 1968-69, c. 106, s. 116, cl. *a*, amended

(*a*) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and R.S.O. 1960, c. 298

. . . . .

5. Clause *c* of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 106, s. 118, subs. 3, cl. *c*, re-enacted

(*c*) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

1968-69, c. 106, s. 130, subss. 2-4, re-enacted

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

Rates for public school purposes on commercial assessment

R.S.O. 1960, c. 361

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes on residential assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary

SECTION 6. The amendments provide that the apportionment for public and secondary school purposes be made separately on commercial and residential assessment instead of on the combined assessment. Provision is also made for taking into account the regulations in respect of apportionment made under section 87*a* of *The Secondary Schools and Boards of Education Act*.

SECTION 7. The provisions for transitional adjustments are extended and amended for purposes of clarification.

SECTION 8. The amendment is for the purpose of clarification. The reference to section 14 of *The Municipal Act* should be a reference only to subsection 2 of section 14.

SECTION 9. The provisions continuing the present commissions for the distribution of electrical power and energy in the area for the year 1971 are continued for the year 1972.

school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Regulations under R.S.O. 1960, c. 362 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87*a* of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126.

1968-69, c. 106, s. 131, re-enacted

7. Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Transitional adjustments

131. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

1968-69, c. 106, s. 163, subs. 3, amended

8. Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows:

Erections, annexations and amalgamations R.S.O. 1960, c. 249

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

1968-69, c. 106, s. 182, subs. 3, amended

9.—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out 1971" in the sixth line and inserting in lieu thereof "1972".

1968-69, c. 106, s. 182, subs. 4, amended

(2) Subsection 4 of the said section 182 is amended by striking out "1971" in the fifth line and inserting in lieu thereof "1972".

1968-69, c. 106, s. 183, subs. 2*b* (1968-69, c. 107, s. 8), re-enacted

10. Subsection 2*b* of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Licensing by-law may be passed by councils of cities R.S.O. 1960, c. 249

(2*b*) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69, c. 106, amended

11. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of revision continued

184*b*. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69, c. 6

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

SECTION 10. The councils of the cities within the Regional Area are authorized to pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

SECTION 11. The new section is to make it clear that the courts of revision established for the counties of Lincoln and Welland are continued to deal with appeals re assessments made before the year 1970.

1st Reading

October 30th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 214

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regional Municipality of Niagara Act, 1968-69

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Certain minor changes and corrections are made in the descriptions of the boundaries of the area municipalities.

BILL 214 **1970**

An Act to amend The Regional Municipality of Niagara Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor: 1968-69, c. 106, s. 2, subs. 1, cl. *g*, amended

"THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175′ west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175′ west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100′ east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100′ east of the centre line of the present ship canal to a point distant 1,000′ measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road".

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor: 1968-69, c. 106, s. 2, subs. 1, cl. *k*, amended

"THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175′ west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175′ west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100′ east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100′ east of the centre line of the present ship canal to a point distant 1,000′ measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

and by striking out "225" in the third line of the eighteenth paragraph of the description and inserting in lieu thereof "northerly along the west boundary of Lot 225, easterly along the north boundary of Lot 225, southerly along the east boundary of Lot 225 to its meeting with the midway line being the line between the north and south halves of Lot 224 thence easterly along the said midway line being the line between the north and south halves of lots".

1968-69, c. 106, s. 3, subs. 5, re-enacted

2. Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections 1972 Niagara Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(*a*) redivide the City of Niagara Falls into wards;

(*b*) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(*c*) provide for such other matters as he considers necessary to hold such election.

SECTION 2. The special provisions re ward representation are continued for the 1972 election in Niagara Falls.

SECTION 3. The provisions continuing existing speed limits in the Regional Area for the year 1970 are continued until such speed limits are changed in accordance with *The Highway Traffic Act* by the appropriate authority.

SECTION 4. The amendment is to make it clear that the provisions of this Act providing for the constitution of the Niagara Regional Board apply for the year 1970 and thereafter.

SECTION 5. The amendment is to make it clear that the number of years of service to be credited to a member is the total of his service with the police force of the local municipality of which he was a member on the 31st day of December, 1969, and his service with the police force of the area municipality.

3.—(1) Subsection 1 of section 81*a* of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out "during the year 1970" in the fourth line, so that the subsection shall read as follows: 1968-69, c. 106, s. 81*a* (1968-69, c. 107, s. 4), subs. 1, amended

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village. Existing speed limits continued R.S.O. 1960, c. 172

(2) Subsection 3 of the said section 81*a* is amended by striking out "during the year 1970" in the seventh line, so that the subsection shall read as follows: 1968-69, c. 106, s. 81*a* (1968-69, c. 107, s. 4), subs. 3, amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto. Existing by-laws under s. 59 of R.S.O. 1960, c. 172 continued

4. Clause *a* of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "*Act*" in the fourth line "except subsections 1 to 4 of section 7 thereof", so that the clause shall read as follows: 1968-69, c. 106, s. 116, cl. *a*, amended

(*a*) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and R.S.O. 1960, c. 298

. . . . .

5. Clause *c* of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 106, s. 118, subs. 3, cl. *c*, re-enacted

(*c*) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

1968-69, c. 106, s. 130, subss. 2-4, re-enacted

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

Rates for public school purposes on commercial assessment

R.S.O. 1960, c. 361

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes on residential assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary

SECTION 6. The amendments provide that the apportionment for public and secondary school purposes be made separately on commercial and residential assessment instead of on the combined assessment. Provision is also made for taking into account the regulations in respect of apportionment made under section 87*a* of *The Secondary Schools and Boards of Education Act*.

SECTION 7. The provisions for transitional adjustments are extended and amended for purposes of clarification.

SECTION 8. The amendment is for the purpose of clarification. The reference to section 14 of *The Municipal Act* should be a reference only to subsection 2 of section 14.

SECTION 9. The provisions continuing the present commissions for the distribution of electrical power and energy in the area for the year 1970 are continued for the year 1971.

school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Regulations under R.S.O. 1960, c. 362 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87*a* of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126.

1968-69, c. 106, s. 131, re-enacted

7. Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Transitional adjustments

131. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

1968-69, c. 106, s. 163, subs. 3, amended

8. Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows:

Erections, annexations and amalgamations R.S.O. 1960, c. 249

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

1968-69, c. 106, s. 182, subs. 3, amended

9.—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "1971" in the sixth line and inserting in lieu thereof "1972".

1968-69, c. 106, s. 182, subs. 4, amended

(2) Subsection 4 of the said section 182 is amended by striking out "1971" in the fifth line and inserting in lieu thereof "1972".

1968-69, c. 106, s. 183, subs. 2*b* (1968-69, c. 107, s. 8), re-enacted

10. Subsection 2*b* of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Licensing by-law may be passed by councils of cities R.S.O. 1960, c. 249

(2*b*) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69, c. 106, amended

11. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of revision continued

184*b*. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69, c. 6

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

SECTION 10. The councils of the cities within the Regional Area are authorized to pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

SECTION 11. The new section is to make it clear that the courts of revision established for the counties of Lincoln and Welland are continued to deal with appeals re assessments made before the year 1970.

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

1970

BILL 214

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regional Municipality of Niagara Act, 1968-69

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 214 **1970**

An Act to amend The Regional Municipality of Niagara Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor: 1968-69, c. 106, s. 2, subs. 1, cl. *g*, amended

"THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175′ west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175′ west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100′ east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100′ east of the centre line of the present ship canal to a point distant 1,000′ measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road".

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor: 1968-69, c. 106, s. 2, subs. 1, cl. *k*, amended

"THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

1968-69, c. 106, s. 3, subs. 5, re-enacted

2. Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections 1972 Niagara Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(*a*) redivide the City of Niagara Falls into wards;

(*b*) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(*c*) provide for such other matters as he considers necessary to hold such election.

1968-69, c. 106, s. 81*a* (1968-69, c. 107, s. 4), subs. 1, amended

3.—(1) Subsection 1 of section 81*a* of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out "during the year 1970" in the fourth line, so that the subsection shall read as follows:

Existing speed limits continued R.S.O. 1960, c. 172

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in

the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

(2) Subsection 3 of the said section 81*a* is amended by striking out "during the year 1970" in the seventh line, so that the subsection shall read as follows: 1968-69, c. 106, s. 81*a* (1968-69, c. 107, s. 4), subs. 3, amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto. Existing by-laws under s. 59 of R.S.O. 1960, c. 172 continued

4. Clause *a* of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "*Act*" in the fourth line "except subsections 1 to 4 of section 7 thereof", so that the clause shall read as follows: 1968-69, c. 106, s. 116, cl. *a*, amended

(*a*) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and R.S.O. 1960, c. 298

. . . . .

5. Clause *c* of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 106, s. 118, subs. 3, cl. *c*, re-enacted

(*c*) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor: 1968-69, c. 106, s. 130, subss. 2-4, re-enacted

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of Rates for public school purposes on commercial assessment

R.S.O. 1960, c. 361

the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes on residential assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Regulations under R.S.O. 1960, c. 362 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87*a* of *The Secondary Schools and Boards of Education Act*

the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126. Application of section

7. Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 106, s. 131, re-enacted

131. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. Transitional adjustments

8. Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows: 1968-69, c. 106, s. 163, subs. 3, amended

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations R.S.O. 1960, c. 249

9.—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "1971" in the sixth line and inserting in lieu thereof "1972". 1968-69, c. 106, s. 182, subs. 3, amended

(2) Subsection 4 of the said section 182 is amended by striking out "1971" in the fifth line and inserting in lieu thereof "1972". 1968-69, c. 106, s. 182, subs. 4, amended

10. Subsection 2*b* of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor: 1968-69, c. 106, s. 183, subs. 2*b* (1968-69, c. 107, s. 8), re-enacted

Licensing by-law may be passed by councils of cities R.S.O. 1960, c. 249

(2*b*) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69, c. 106, amended

11. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of revision continued

184*b*. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69, c. 6

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

1968-69

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. MCKEOUGH

1970

BILL 215

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Water Resources Commission Act

MR. KERR

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The Commission may by regulation specify additional matter or substances as sewage for the purposes of the Act.

Section 2. The amendments provide:

1. For an increase in the membership of the Commission.

2. For the appointment of more than one vice-chairman.

BILL 215 **1970**

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof "and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47", so that the clause shall read as follows: R.S.O. 1960, c. 281, s. 1, cl. *p*, amended

(*p*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

2.—(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fifth line and inserting in lieu thereof "five" and by striking out "seven" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 3, subs. 1, amended

(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines. Commission continued 1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 3, subss. 2, 3, re-enacted

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen. Appointment

Acting chairman

(3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960, c. 281, s. 4, amended

3. Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960, c. 281, s. 8 (1965, c. 91, s. 1), subs. 1, re-enacted

4.—(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

(1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960, c. 281, s. 8 (1965, c. 91, s. 1), subs. 2, cls. *a–f*, repealed

(2) Clauses *a*, *b*, *c*, *d*, *e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960, c. 281, amended

5. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation of powers

8*a*. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

(*a*) subsections 2, 2*a*, 4 and 5 of section 28*a*;

(*b*) subsections 1 and 3 of section 28*b*;

(*c*) subsections 1 and 2 of section 28*c*;

(*d*) subsections 1, 2 and 4 of section 29;

SECTION 3. The amendment provides that copies of directions, orders, reports, approvals, notices, permits and licences made or issued by the Commission that are certified by the secretary under the seal of the Commission as true copies shall be received as *prima facie* evidence in any court.

SECTION 4—Subsection 1. The quorum for general meetings of the Commission is changed from a majority of members to three members.

Subsection 2. Complementary to section 5 of the Bill.

SECTION 5. The powers which the Commission is authorized to delegate to one or more of its officers under this section were formerly exercisable by two members of the Commission; in addition the following powers may be delegated:

1. to authorize the holding of hearings and to determine the persons to whom and the manner in which notice of a hearing is to be given respecting the establishment or extension of sewage works;

2. to authorize the establishment of a reserve account, and its administration.

SECTION 6. The amendment is complementary to an amendment to section 27 of *The Public Service Superannuation Act* and will allow full-time probationary staff to become contributors under that Act.

SECTION 7. The Commission and its employees and agents are now authorized to enter lands or buildings or boats for the purpose of making surveys, investigations or inspections. The amendment makes it an offence for any person to obstruct an employee or agent in the performance of his duties.

SECTION 8. The amendment is to make it clear that the quality of water is impaired when the deposit or discharge of any material causes or may cause injury to persons or other living things that consume directly or indirectly any fish or other living matter that is in the water.

(*e*) subsections 1 and 3 of section 30;

(*f*) subsections 1 and 3 of section 31;

(*g*) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32*a* respecting the holding of a hearing and the giving of notice thereof; or

(*h*) subsections 1 and 1*a* of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 10, subs. 2 (1962-63, c. 99, s.1), amended

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits R.S.O. 1960, c. 332

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 18, amended

(4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $200 for every day upon which the offence is committed or continues. Offence

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

25*a*. Under sections 26, 27, 27*b* and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or Where quality of water deemed to be impaired

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960, c. 281, s. 26, subs. 1, re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision of waters

(1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960, c. 281, s. 27, subs. 1 (1961-62, c. 99, s. 5), amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out "to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment", so that the subsection shall read as follows:

Discharge of polluting material prohibited

(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960, c. 281, s. 27, amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate offences

(1*a*) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission to be notified when polluting material is discharged, deposited or escapes

(1*b*) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

SECTION 9. The Commission is given supervision of all waters for the purposes of the Act. At present, the provision is limited to waters used as a source of water supply.

SECTION 10—Subsection 1. The maximum penalty of $1,000 is increased to a maximum of $5,000 on first conviction and $10,000 on subsequent convictions.

Subsection 2. Self-explanatory.

SECTION 11. The sections added provide for the following:

1. The Commission is empowered, with the approval of the Minister, to prohibit or regulate the discharge of sewage into or near water by any municipality or person; penalties are provided for the contravention of any such order.

2. The Commission may by order require any municipality or industrial or commercial enterprise to keep on hand such equipment and chemicals or other materials to alleviate the effects of any impairment of the quality of water they may cause as the order specifies; penalties are provided for the contravention of any such order.

3. Before making an order under any of the sections or subsections mentioned, the Commission is to afford a hearing to the municipality or person who will be affected by the order.

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

Offence

(1*c*) Every municipality or person that fails to notify the Commission as provided in subsection 1*b* is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

R.S.O. 1960, c. 281, amended

11. *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections:

Prohibiting or regulating discharge of sewage

27*a*.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may be amended, varied or revoked by the Commission as it considers desirable.

Offence

(2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000.

Separate offences

(3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence.

Equipment, etc., to alleviate effects of impairment of quality of water

27*b*.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise.

Offence

(2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $500 for every day the contravention continues.

Before making order Commission to hold hearing

27*c*. Before making an order under section 27*a*, 27*b*, subsection 2*a* of section 28*a* or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960, c. 281, s. 30, subs. 2, amended

12. Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of Commission where water works undertaken without approval

(2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960, c. 281, s. 31, subs. 2, amended

13. Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of Commission where sewage works undertaken without approval

(2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 1, amended

14.—(1) Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

SECTION 12. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 13. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 14—Subsection 1 and 2. The amendments require notice of the establishment or extension of a sewage works to be given to the municipality in or into which the sewage works are being established or extended.

Subsection 3. Where the Commission has approved the extension by a person of his sewage works from one municipality into another, the person undertaking the extension may apply to the Municipal Board for an order to amend any by-law prohibiting or regulating the use of land for the disposal of refuse or industrial waste or any zoning by-law or any official plan that might otherwise prevent such extension; the powers of the Board on such an application are set out.

The Ontario Water Resources Commission Amendment Act, 1966, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct. Establishment or extension of sewage works in or into another municipality, etc.

(2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows: R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 5, amended

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

(3) The said section 32 is amended by adding thereto the following subsections: R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

(11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension. Application to Board R.S.O. 1960, cc. 249, 296

Powers of Board

(12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960, c. 281, s. 32*a* (1966, c. 108, s. 6), amended

15. Section 32*a* of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application to Board

(4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960, cc. 249, 296

Powers of Board

(5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960, c. 281, amended

16. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application of s. 32, subss. 11, 12, and s. 32*a*, subss. 4, 5 to municipality

32*b*. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32*a* apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960, c. 281, s. 40, subs. 1, par. 2, amended

17. Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

SECTION 15. Similar in intent to subsection 3 of section 14 of the Bill and applicable where the Commission has approved the establishment or extension by a person within a municipality of a sewage treatment works.

SECTION 16. Self-explanatory.

SECTION 17. The rate of interest under this provision will be as prescribed by the Commission with the approval of the Lieutenant Governor in Council.

SECTION 18. Where, in connection with a project or a provincial work, service drains are constructed as part of a sewage works, the municipality may recover the cost of the construction from the owners of land serviced by the drains over a period of years.

SECTION 19—Subsection 1. Complementary to section 26 of the Bill.

SECTION 20. The Commission may expend moneys out of a reserve account established in respect of one project for a municipality for any other project for the same municipality.

SECTION 21—Subsection 1. Complementary to section 17 of the Bill, and providing additional regulation-making powers.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

18. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

41*a*. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of construction of service drains

19. Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960, c. 281, s. 42, subs. 5, repealed

20. Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 43, amended

(1*a*) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When moneys may be expended in respect of another project

21.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 281, s. 47, subs. 1, amended

(*da*) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

. . . . .

(*fa*) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

. . . . .

(*ga*) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960, c. 281, s. 47, subs. 3, re-enacted

(2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

(3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $1,000.

R.S.O. 1960, c. 281, s. 47*b* (1961-62, c. 99, s. 15), subs. 2, amended

22. Subsection 2 of section 47*b* of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties R.S.O. 1960, c. 249

(2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960, c. 281, s. 51 (1960-61, c. 71, s. 7), amended

23. Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application to certain sewage works

(2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960, c. 281, s. 52 (1964, c. 86, s. 11), amended

24. Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

Subsection 2. The minimum penalty for a breach of the regulations is increased from $5 to $25 and the maximum penalty is increased from $500 to $1000.

SECTION 22. Complementary to section 24 of the Bill.

SECTION 23. The amendment provides that the Commission in relation to sewage works constructed with the assistance of loans under Part VIB of the *National Housing Act, 1954* (Canada) under agreements entered into after the 1st day of September, 1964, may not act as an agent of a municipality.

SECTION 24. The time for commencing a prosecution under a plumbing inspection by-law passed by a municipality or local board is enlarged from six months to one year.

SECTION 25. Complementary to section 5 of the Bill.

SECTION 26. This provision was formerly contained in subsection 5 of section 42 of the Act and related only to amounts due by a municipality to the Commission under an agreement respecting a project; it is now made of general application in all cases where moneys are owing to the Commission, and permits the Commission to recover interest and expenses of debt service if any owed by it to the Treasurer of Ontario with respect to the moneys owing. The former provision adding interest at the rate of 6 per cent per annum after default is deleted.

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

Proceedings to enforce provisions of Act, regulations or by-laws

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose.

R.S.O. 1960, c. 281, s. 53 (1964, c. 86, s. 11), amended

25. Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows:

Enforcing performance of things required to be done by Commission

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.

R.S.O. 1960, c. 281, amended

26. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Recovery of moneys owing to Commission

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person.

Commencement

27. This Act comes into force on the day it receives Royal Assent.

Short title

28. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*.

1st Reading

October 30th, 1970

2nd Reading

3rd Reading

MR. KERR

1970

BILL 215

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Water Resources Commission Act

MR. KERR

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The Commission may by regulation specify additional matter or substances as sewage for the purposes of the Act.

SECTION 2. The amendments provide:

1. For an increase in the membership of the Commission.

2. For the appointment of more than one vice-chairman.

BILL 215 **1970**

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof "and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47", so that the clause shall read as follows: R.S.O. 1960, c. 281, s. 1, cl. *p*, amended

(*p*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

2.—(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fifth line and inserting in lieu thereof "five" and by striking out "seven" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 3, subs. 1, amended

(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines. Commission continued 1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 3, subss. 2, 3, re-enacted

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen. Appointment

Acting chairman

(3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960, c. 281, s. 4, amended

3. Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960, c. 281, s. 8 (1965, c. 91, s. 1), subs. 1, re-enacted

4.—(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

(1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960, c. 281, s. 8 (1965, c. 91, s. 1), subs. 2, cls. *a–f*, repealed

(2) Clauses *a*, *b*, *c*, *d*, *e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960, c. 281, amended

5. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation of powers

8*a*. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

(*a*) subsections 2, 2*a*, 4 and 5 of section 28*a*;

(*b*) subsections 1 and 3 of section 28*b*;

(*c*) subsections 1 and 2 of section 28*c*;

(*d*) subsections 1, 2 and 4 of section 29;

SECTION 3. The amendment provides that copies of directions, orders, reports, approvals, notices, permits and licences made or issued by the Commission that are certified by the secretary under the seal of the Commission as true copies shall be received as *prima facie* evidence in any court.

SECTION 4—Subsection 1. The quorum for general meetings of the Commission is changed from a majority of members to three members.

Subsection 2. Complementary to section 5 of the Bill.

SECTION 5. The powers which the Commission is authorized to delegate to one or more of its officers under this section were formerly exercisable by two members of the Commission; in addition the following powers may be delegated:

1. to authorize the holding of hearings and to determine the persons to whom and the manner in which notice of a hearing is to be given respecting the establishment or extension of sewage works;

2. to authorize the establishment of a reserve account, and its administration.

SECTION 6. The amendment is complementary to an amendment to section 27 of *The Public Service Superannuation Act* and will allow full-time probationary staff to become contributors under that Act.

SECTION 7. The Commission and its employees and agents are now authorized to enter lands or buildings or boats for the purpose of making surveys, investigations or inspections. The amendment makes it an offence for any person to obstruct an employee or agent in the performance of his duties.

SECTION 8. The amendment is to make it clear that the quality of water is impaired when the deposit or discharge of any material causes or may cause injury to persons or other living things that consume directly or indirectly any fish or other living matter that is in the water.

(*e*) subsections 1 and 3 of section 30;

(*f*) subsections 1 and 3 of section 31;

(*g*) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32*a* respecting the holding of a hearing and the giving of notice thereof; or

(*h*) subsections 1 and 1*a* of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 10, subs. 2 (1962-63, c. 99, s.1), amended

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits R.S.O. 1960, c. 332

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 18, amended

(4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $200 for every day upon which the offence is committed or continues. Offence

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

25*a*. Under sections 26, 27, 27*b* and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or Where quality of water deemed to be impaired

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960, c. 281, s. 26, subs. 1, re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision of waters

(1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960, c. 281, s. 27, subs. 1 (1961-62, c. 99, s. 5), amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out "to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment", so that the subsection shall read as follows:

Discharge of polluting material prohibited

(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960, c. 281, s. 27, amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate offences

(1*a*) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission to be notified when polluting material is discharged, deposited or escapes

(1*b*) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

SECTION 9. The Commission is given supervision of all waters for the purposes of the Act. At present, the provision is limited to waters used as a source of water supply.

SECTION 10—Subsection 1. The maximum penalty of $1,000 is increased to a maximum of $5,000 on first conviction and $10,000 on subsequent convictions.

Subsection 2. Self-explanatory.

SECTION 11. The sections added provide for the following:

1. The Commission is empowered, with the approval of the Minister, to prohibit or regulate the discharge of sewage into or near water by any municipality or person; penalties are provided for the contravention of any such order.

2. The Commission may by order require any municipality or industrial or commercial enterprise to keep on hand such equipment and chemicals or other materials to alleviate the effects of any impairment of the quality of water they may cause as the order specifies; penalties are provided for the contravention of any such order.

3. Before making an order under any of the sections or subsections mentioned, the Commission is to afford a hearing to the municipality or person who will be affected by the order.

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

(1*c*) Every municipality or person that fails to notify the Commission as provided in subsection 1*b* is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000. Offence

11. *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 281, amended

27*a*.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may, with the approval of the Minister, be amended, varied or revoked by the Commission as it considers desirable. Prohibiting or regulating discharge of sewage

(2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000. Offence

(3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence. Separate offences

27*b*.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise. Equipment, etc., to alleviate effects of impairment of quality of water

(2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $500 for every day the contravention continues. Offence

Before making order Commission to hold hearing

27*c*. Before making an order under section 27*a*, 27*b*, subsection 2*a* of section 28*a* or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960, c. 281, s. 30, subs. 2, amended

12. Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of Commission where water works undertaken without approval

(2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960, c. 281, s. 31, subs. 2, amended

13. Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of Commission where sewage works undertaken without approval

(2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 1, amended

14.—(1) Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

SECTION 12. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 13. The amendment is to make it clear that an order of the Commission under this section will apply to the successor or assignee of the person who established or extended the works.

SECTION 14—Subsection 1 and 2. The amendments require notice of the establishment or extension of a sewage works to be given to the municipality in or into which the sewage works are being established or extended.

Subsection 3. Where the Commission has approved the extension by a person of his sewage works from one municipality into another, the person undertaking the extension may apply to the Municipal Board for an order to amend any by-law prohibiting or regulating the use of land for the disposal of refuse or industrial waste or any zoning by-law or any official plan that might otherwise prevent such extension; the powers of the Board on such an application are set out.

The Ontario Water Resources Commission Amendment Act, 1966, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

Establishment or extension of sewage works in or into another municipality, etc.

(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 5, amended

(2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows:

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

(3) The said section 32 is amended by adding thereto the following subsections:

Application to Board

(11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension.

R.S.O. 1960, cc. 249, 296

Powers of Board

(12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960, c. 281, s. 32*a* (1966, c. 108, s. 6), amended

15. Section 32*a* of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application to Board

(4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960, cc. 249, 296

Powers of Board

(5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960, c. 281, amended

16. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application of s. 32, subss. 11, 12, and s. 32*a*, subss. 4, 5 to municipality

32*b*. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32*a* apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960, c. 281, s. 40, subs. 1, par. 2, amended

17. Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

SECTION 15. Similar in intent to subsection 3 of section 14 of the Bill and applicable where the Commission has approved the establishment or extension by a person within a municipality of a sewage treatment works.

SECTION 16. Self-explanatory.

SECTION 17. The rate of interest under this provision will be as prescribed by the Commission with the approval of the Lieutenant Governor in Council.

SECTION 18. Where, in connection with a project or a provincial work, service drains are constructed as part of a sewage works, the municipality may recover the cost of the construction from the owners of land serviced by the drains over a period of years.

SECTION 19—Subsection 1. Complementary to section 26 of the Bill.

SECTION 20. The Commission may expend moneys out of a reserve account established in respect of one project for a municipality for any other project for the same municipality.

SECTION 21—Subsection 1. Complementary to section 17 of the Bill, and providing additional regulation-making powers.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

18. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

41*a*. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of construction of service drains

19. Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960, c. 281, s. 42, subs. 5, repealed

20. Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 43, amended

(1*a*) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When moneys may be expended in respect of another project

21.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 281, s. 47, subs. 1, amended

(*da*) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

. . . . .

(*fa*) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

. . . . .

(*ga*) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960, c. 281, s. 47, subs. 3, re-enacted

(2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

(3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $1,000.

R.S.O. 1960, c. 281, s. 47*b* (1961-62, c. 99, s. 15), subs. 2, amended

22. Subsection 2 of section 47*b* of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties R.S.O. 1960, c. 249

(2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960, c. 281, s. 51 (1960-61, c. 71, s. 7), amended

23. Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application to certain sewage works

(2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960, c. 281, s. 52 (1964, c. 86, s. 11), amended

24. Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

Subsection 2. The minimum penalty for a breach of the regulations is increased from $5 to $25 and the maximum penalty is increased from $500 to $1000.

SECTION 22. Complementary to section 24 of the Bill.

SECTION 23. The amendment provides that the Commission in relation to sewage works constructed with the assistance of loans under Part VIB of the *National Housing Act, 1954* (Canada) under agreements entered into after the 1st day of September, 1964, may not act as an agent of a municipality.

SECTION 24. The time for commencing a prosecution under a plumbing inspection by-law passed by a municipality or local board is enlarged from six months to one year.

SECTION 25. Complementary to section 5 of the Bill.

SECTION 26. This provision was formerly contained in subsection 5 of section 42 of the Act and related only to amounts due by a municipality to the Commission under an agreement respecting a project; it is now made of general application in all cases where moneys are owing to the Commission, and permits the Commission to recover interest and expenses of debt service if any owed by it to the Treasurer of Ontario with respect to the moneys owing. The former provision adding interest at the rate of 6 per cent per annum after default is deleted.

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose. Proceedings to enforce provisions of Act, regulations or by-laws

25. Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows: R.S.O. 1960, c. 281, s. 53 (1964, c. 86, s. 11), amended

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person. Enforcing performance of things required to be done by Commission

26. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person. Recovery of moneys owing to Commission

27. This Act comes into force on the day it receives Royal Assent. Commencement

28. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*. Short title

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

MR. KERR

(Reprinted as amended by the Committee of the Whole House)

1970

BILL 215

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Water Resources Commission Act

MR. KERR

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 215 **1970**

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof "and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47", so that the clause shall read as follows: R.S.O. 1960, c. 281, s. 1, cl. *p*, amended

(*p*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

2.—(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fifth line and inserting in lieu thereof "five" and by striking out "seven" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 3, subs. 1, amended

(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines. Commission continued 1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 3, subss. 2, 3, re-enacted

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen. Appointment

Acting chairman

(3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960, c. 281, s. 4, amended

3. Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960, c. 281, s. 8 (1965, c. 91, s. 1), subs. 1, re-enacted

4.—(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

(1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960, c. 281, s. 8 (1965, c. 91, s. 1), subs. 2, cls. *a–f*, repealed

(2) Clauses *a*, *b*, *c*, *d*, *e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960, c. 281, amended

5. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation of powers

8*a*. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

(*a*) subsections 2, 2*a*, 4 and 5 of section 28*a*;

(*b*) subsections 1 and 3 of section 28*b*;

(*c*) subsections 1 and 2 of section 28*c*;

(*d*) subsections 1, 2 and 4 of section 29;

(*e*) subsections 1 and 3 of section 30;

(*f*) subsections 1 and 3 of section 31;

(*g*) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32*a* respecting the holding of a hearing and the giving of notice thereof; or

(*h*) subsections 1 and 1*a* of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 10, subs. 2 (1962-63, c. 99, s.1), amended

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits R.S.O. 1960, c. 332

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 18, amended

(4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $200 for every day upon which the offence is committed or continues. Offence

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

25*a*. Under sections 26, 27, 27*b* and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or Where quality of water deemed to be impaired

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960, c. 281, s. 26, subs. 1, re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision of waters

(1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960, c. 281, s. 27, subs. 1 (1961-62, c. 99, s. 5), amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out "to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment", so that the subsection shall read as follows:

Discharge of polluting material prohibited

(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960, c. 281, s. 27, amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate offences

(1*a*) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission to be notified when polluting material is discharged, deposited or escapes

(1*b*) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

Offence

(1*c*) Every municipality or person that fails to notify the Commission as provided in subsection 1*b* is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

R.S.O. 1960, c. 281, amended

11. *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections:

Prohibiting or regulating discharge of sewage

27*a*.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may, with the approval of the Minister, be amended, varied or revoked by the Commission as it considers desirable.

Offence

(2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000.

Separate offences

(3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence.

Equipment, etc., to alleviate effects of impairment of quality of water

27*b*.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise.

Offence

(2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $500 for every day the contravention continues.

Before making order Commission to hold hearing

27*c*. Before making an order under section 27*a*, 27*b*, subsection 2*a* of section 28*a* or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960, c. 281, s. 30, subs. 2, amended

12. Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of Commission where water works undertaken without approval

(2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960, c. 281, s. 31, subs. 2, amended

13. Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of Commission where sewage works undertaken without approval

(2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 1, amended

14.—(1) Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

The Ontario Water Resources Commission Amendment Act, 1966, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

Establishment or extension of sewage works in or into another municipality, etc.

(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 5, amended

(2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows:

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

(3) The said section 32 is amended by adding thereto the following subsections:

Application to Board

(11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension.

R.S.O. 1960, cc. 249, 296

Powers of Board

(12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960, c. 281, s. 32*a* (1966, c. 108, s. 6), amended

15. Section 32*a* of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application to Board

(4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960, cc. 249, 296

Powers of Board

(5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960, c. 281, amended

16. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application of s. 32, subss. 11, 12, and s. 32*a*, subss. 4, 5 to municipality

32*b*. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32*a* apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960, c. 281, s. 40, subs. 1, par. 2, amended

17. Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

18. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

41*a*. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of construction of service drains

19. Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960, c. 281, s. 42, subs. 5, repealed

20. Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 43, amended

(1*a*) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When moneys may be expended in respect of another project

21.—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 281, s. 47, subs. 1, amended

(*da*) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

. . . . .

(*fa*) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

. . . . .

(*ga*) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960, c. 281, s. 47, subs. 3, re-enacted

(2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

(3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $1,000.

R.S.O. 1960, c. 281, s. 47*b* (1961-62, c. 99, s. 15), subs. 2, amended

22. Subsection 2 of section 47*b* of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties R.S.O. 1960, c. 249

(2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960, c. 281, s. 51 (1960-61, c. 71, s. 7), amended

23. Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application to certain sewage works

(2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960, c. 281, s. 52 (1964, c. 86, s. 11), amended

24. Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

Proceedings to enforce provisions of Act, regulations or by-laws

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose.

R.S.O. 1960, c. 281, s. 53 (1964, c. 86, s. 11), amended

25. Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows:

Enforcing performance of things required to be done by Commission

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.

R.S.O. 1960, c. 281, amended

26. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Recovery of moneys owing to Commission

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person.

Commencement

27. This Act comes into force on the day it receives Royal Assent.

Short title

28. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*.

1st Reading

October 30th, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 13th, 1970

MR. KERR

1970

BILL 216

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The City of The Lakehead Act, 1968-69

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The subsection repealed provided that the provisions of section 12, relating to the manner of levying rates, applied only in the years 1970, 1971 and 1972. The provisions will now apply until the Minister by order otherwise directs. See section 4 of the Bill.

Section 2. The amount of the levy which may be authorized by by-law before the adoption of the estimates in any year is limited to a sum not exceeding 50 per cent of that which would be produced by applying the total rate levied in the preceding year. Formerly it was limited to a rate not exceeding 55 mills.

BILL 216 **1970**

An Act to amend The City of The Lakehead Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 12 of *The City of The Lakehead Act, 1968-69* is repealed. 1968-69, c. 56, s. 12, subs. 9, repealed

2. Section 13 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 56, s. 13, re-enacted

13.—(1) Notwithstanding section 12, the council of the City may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the assessment for real property in the ward, according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on residential real property of public school supporters. Levy before estimates adopted, on real property

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 12, may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the business assessment in the ward according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on business assessment of public school supporters. on business assessment

Levy under section 12 to be reduced

(3) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section.

Application of R.S.O. 1960, c. 249

(4) The provisions of *The Municipal Act* with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section.

By-laws not to be passed under R.S.O. 1960, c. 249

(5) The council of the City shall not pass by-laws under section 294*a* of *The Municipal Act*.

1968-69, c. 56, s. 15, re-enacted

3. Section 15 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor:

Rates under R.S.O. 1960, c. 368

15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each ward.

Rates for public school purposes on commercial assessment R.S.O. 1960, c. 361

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for public school purposes in each ward bears to the total commercial assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for public school purposes in each ward bears to the total residential assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for secondary school purposes in each ward bears to the total commercial assessment for

SECTION 3. The amendments provide that the apportionment for public and secondary school purposes be made separately on commercial and residential assessment instead of on the combined assessment. Provision is also made for taking into account the regulations in respect of apportionment made under section 87*a* of *The Secondary Schools and Boards of Education Act*.

SECTION 4. The application of these sections was formerly limited to the years 1970, 1971 and 1972.

secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for secondary school purposes on residential assessment R.S.O. 1960, c. 361

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for secondary school purposes in each ward bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Regulations under R.S.O. 1960, c. 362 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87*a* of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulations.

4. *The City of The Lakehead Act, 1968-69* is amended by adding thereto the following section: R.S.O. 1960, c. 56, amended

Application of sections 12, 13 and 15

15*a*. Sections 12, 13 and 15 shall cease to apply on dates to be determined by order of the Minister.

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The City of The Lakehead Amendment Act, 1970*. Short title

1st Reading

November 2nd, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 216

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The City of The Lakehead Act, 1968-69

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 216 **1970**

An Act to amend The City of The Lakehead Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 12 of *The City of The Lakehead Act, 1968-69* is repealed. 1968-69, c. 56, s. 12, subs. 9, repealed

2. Section 13 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 56, s. 13, re-enacted

13.—(1) Notwithstanding section 12, the council of the City may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the assessment for real property in the ward, according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on residential real property of public school supporters. Levy before estimates adopted, on real property

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 12, may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the business assessment in the ward according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on business assessment of public school supporters. on business assessment

Levy under section 12 to be reduced

(3) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section.

Application of R.S.O. 1960, c. 249

(4) The provisions of *The Municipal Act* with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section.

By-laws not to be passed under R.S.O. 1960, c. 249

(5) The council of the City shall not pass by-laws under section 294*a* of *The Municipal Act*.

1968-69, c. 56, s. 15, re-enacted

3. Section 15 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor:

Rates under R.S.O. 1960, c. 368

15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each ward.

Rates for public school purposes on commercial assessment R.S.O. 1960, c. 361

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for public school purposes in each ward bears to the total commercial assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for public school purposes in each ward bears to the total residential assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for secondary school purposes in each ward bears to the total commercial assessment for

secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for secondary school purposes on residential assessment R.S.O. 1960, c. 361

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for secondary school purposes in each ward bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Regulations under R.S.O. 1960, c. 362 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87*a* of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulations.

4. *The City of The Lakehead Act, 1968-69* is amended by adding thereto the following section: R.S.O. 1960, c. 56, amended

Application of sections 12, 13 and 15

15*a*. Sections 12, 13 and 15 shall cease to apply on dates to be determined by order of the Minister.

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The City of The Lakehead Amendment Act, 1970*. Short title

1st Reading

November 2nd, 1970

2nd Reading

November 4th, 1970

3rd Reading

November 5th, 1970

MR. MCKEOUGH

1970

BILL 217

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to provide for Collective Bargaining for Crown Employees

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The purpose of the Bill is to formalize collective bargaining procedures in the government service under the authority of a Tribunal having power to decide matters concerning representation of employees by bargaining agents and protection of employees against unfair labour practices. The Bill provides procedures for the resolution of grievances arising out of the application or interpretation of collective agreements, as well as the settlement of bargaining disputes.

BILL 217 **1970**

An Act to provide for Collective Bargaining for Crown Employees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "adjudicator" means a member of the Ontario Public Service Labour Relations Tribunal;

(*b*) "bargaining agent" means an employee organization that has representation rights under this Act;

(*c*) "bargaining unit" means a unit of employees established for collective bargaining in accordance with this Act;

(*d*) "board" means a board of arbitration established under this Act;

(*e*) "civil servant" means a civil servant as defined in *The Public Service Act, 1961-62;* 1961-62, c. 121

(*f*) "classified service" means the classified service as defined in *The Public Service Act, 1961-62;*

(*g*) "collective agreement" means an agreement in writing between the employer and an employee organization covering terms and conditions of employment;

(*h*) "Crown" means Her Majesty in right of Ontario;

(*i*) "employee" means a person employed in the service of the Crown or an agency of the Crown and includes persons employed by the Ontario Provincial Police, the Liquor Control Board, the Liquor Licence Board, the Ontario Hospital Services Commission, the

Ontario Housing Corporation, the Ontario Water Resources Commission, the Niagara Parks Commission, the Workmen's Compensation Board and a college of applied arts and technology, but does not include,

(i) an employee of The Hydro-Electric Power Commission of Ontario or of the Ontario Northland Transportation Commission,

(ii) a person employed in a managerial or confidential capacity,

(iii) a person who is a member of the architectural, dental, engineering, legal or medical professions, entitled to practise in Ontario and employed in a professional capacity,

1961-62, c. 121

(iv) a person employed in Group 1 of the unclassified service as defined by the regulations made under *The Public Service Act, 1961-62*,

(v) a person who is employed on a casual or temporary basis, unless he has been so employed for a period of six months or more, or is employed for twenty-four hours per week or less, or is a student employed during his regular vacation period or under a co-operative educational training program,

(vi) a person engaged and employed outside Ontario,

(vii) a person employed in the office of the Provincial Auditor or of the Speaker or Deputy Speaker of the Assembly, or

(viii) a person who occupies a position or is in a classification excluded by the regulations;

(*j*) "employee organization" means an organization of employees formed for the purpose of regulating relations between the employer and employees under this Act, but does not include such an organization of employees that,

(i) receives from any of its members who are employees any money for activities carried on by or on behalf of any political party,

(ii) handles or pays in its own name on behalf of members who are employees any money for activities carried on by or on behalf of any political party,

(iii) requires as a condition of membership therein the payment by any of its members who are employees of any money for activities carried on by or on behalf of any political party,

(iv) supports or requires its members who are employees otherwise to support any political party, or

(v) discriminates against any employee because of sex, race, national origin, colour or religion;

(*k*) "employer" means Her Majesty in right of Ontario as represented, in the case of the public service, by the Treasury Board, and in the case of an agency of the Crown, by the body designated by the regulations;

(*l*) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by the employer to continue to employ a number of employees with a view to compel or induce the employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, an employers' organization, the employee organization or the employees;

(*m*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;

(*n*) "party" means the employee organization that is the bargaining agent for a bargaining unit, on the one hand, and the employer, on the other hand, and "parties" means the two of them;

(*o*) "person employed in a managerial or confidential capacity" means a person who,

(i) is employed in a position confidential to the Lieutenant Governor, a Minister of the Crown, a judge of a provincial court, the

deputy head of a department of the Government of Ontario or the chief executive officer of any agency of the Crown.

(ii) is involved in the formulation of organization objectives and policy in relation to the development and administration of government programs or in the formulation of government budgets,

(iii) spends a significant portion of his time in the supervision of employees or may be required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,

(iv) is employed in a position confidential to any person described in subclause i, ii or iii,

(v) is employed in a confidential capacity in matters relating to employee relations including a person employed in a clerical, stenographic or secretarial position in the Department of Civil Service or the staff relations branch of the Treasury Board or in a personnel office in a department or agency of the Government of Ontario, or

(vi) is not otherwise described in subclause i, ii, iii, iv or v but who in the opinion of the Tribunal should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

1961-62, c. 121

(*p*) "public servant" means a public servant as defined in *The Public Service Act, 1961-62*, and "public service" has a corresponding meaning;

(*q*) "Public Service Grievance Board" means the Public Service Grievance Board established under *The Public Service Act, 1961-62*;

(*r*) "regulations" means the regulations made under this Act;

(*s*) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or interfere with work or services;

(*t*) "Tribunal" means the Ontario Public Service Labour Relations Tribunal;

(*u*) "unclassified service" means the unclassified service as defined in *The Public Service Act, 1961-62*.

REPRESENTATION RIGHTS

Application for representation rights

2.—(1) Where no employee organization has representation rights in respect of an appropriate bargaining unit established under this Act, an employee organization may apply at any time to the Tribunal for representation rights as bargaining agent of the employees in such unit.

Idem

(2) Where a collective agreement is for a term of not more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Idem

(3) Where a collective agreement is for a term of more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the thirty day period immediately prior to the last ninety days,

(*a*) of the operation of the third year of the agreement;

(*b*) of each year that the agreement continues to operate after the third year; or

(*c*) of the termination of the agreement.

Application to include financial statement

(4) Every application for representation rights shall be accompanied by the financial statement of the employee organization for the latest complete fiscal year and an affidavit both in the same form as required under subsections 1 and 2 of section 42.

Representation rights on coming into force of Act

(5) Every employee organization designated by the regulations shall have representation rights upon the coming into force of this Act in relation to such bargaining unit or units as are designated by the regulations.

Tribunal to determine appropriate unit of employees

3.—(1) Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act.

Existing units appropriate for collective bargaining

(2) The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act.

Representation vote

4.—(1) Upon an application for representation rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Tribunal upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken.

Result of vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots of all those eligible to vote are cast in favour of the employee organization, the Tribunal shall grant representation rights to the employee organization as the exclusive bargaining agent of the employees in the bargaining unit.

Eligible voters

(3) In determining the number of eligible voters for the purpose of subsection 2, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Certain employee organizations not to have representation rights

5. The Tribunal shall not grant representation rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Tribunal, participation by the employer or any person acting on behalf of the employer of such a nature as to impair the employee organization's fitness to represent the interests of employees in the bargaining unit.

NEGOTIATION OF AGREEMENTS

Notice of desire to bargain

6. Upon being granted representation rights, the employee organization may give the employer written notice of its desire to bargain with a view to making a collective agreement.

Obligation to bargain

7. The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

MEDIATION

Appointment of mediator

8.—(1) Where notice has been given under section 6 or 20, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, appoint a mediator who shall confer with the parties and endeavour to effect a collective agreement.

Report of mediator if unable to effect agreement

(2) If the mediator is unable to effect a collective agreement between the parties within thirty days after the date of

his appointment or such longer period as the Tribunal may direct or the parties may agree upon, he shall report thereupon to the Tribunal.

ARBITRATION

When matters to be determined by arbitration

9. If the mediator appointed under section 8 is unable to effect a collective agreement or if the Tribunal determines that a mediator should not be appointed, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided in accordance with this Act.

Chairman

10.—(1) A person shall be appointed by the Lieutenant Governor in Council for a renewable term of two years to be the chairman of every board of arbitration established under this Act.

Appointment of members of board by parties

(2) Within fourteen days after receipt of notice from the Tribunal that the mediator has reported that he is unable to effect a collective agreement or that the Tribunal has determined that a mediator should not be appointed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Failure of party to appoint member

(3) Where a party fails to appoint a member of a board within the period of fourteen days mentioned in subsection 2, the Tribunal, upon the written request of either of the parties shall appoint such member.

Notice of appointment by party

(4) As soon as one of the parties appoints a member to a board, it shall notify in writing the other party and the chairman of the name and address of the member appointed.

Vacancies

(5) If a person, other than the chairman, ceases to be a member of a board by reason of his resignation, death or otherwise before it has completed its work, the Tribunal shall appoint a member in his place after consulting the party whose point of view was represented by such person.

Replacement of member

(6) If, in the opinion of the Tribunal, a member of a board, other than the chairman, has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Tribunal may appoint a member in his place after consulting the party whose point of view was represented by such person.

Replacement of chairman

(7) If the chairman of a board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Lieutenant Governor in Council may appoint a person to act as chairman in his place.

Persons prohibited as members

(8) No person shall be appointed a member of a board who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Procedure

(9) A board shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(10) If the members of a board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(11) The decision of a majority of the members of a board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers of board

(12) A board and any member thereof have, respectively, all the powers of the Tribunal and any member thereof,

(*a*) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath or affirmation;

(*b*) to administer oaths and affirmations for the purposes of an arbitration; and

(*c*) to accept or exclude any oral testimony, document or other thing.

Idem

(13) A board or any member thereof may,

(*a*) enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to it or him, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences; and

(*b*) authorize any person to do anything that the board or a member thereof may do under clause *a* and to report thereon to the board or member.

Duty of board

11.—(1) The board shall examine into and decide on matters that are in dispute within the scope of collective bargaining under this Act.

(2) In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute the board shall consider, Factors to be taken into account by board

(*a*) the needs of the public service for qualified employees;

(*b*) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;

(*c*) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the public service;

(*d*) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered; and

(*e*) any other factor that to it appears to be relevant to the matter in dispute.

(3) The board may, upon application by either party to a decision within ten days after the release of the decision, amend, alter or vary the decision where it is shown to the satisfaction of the board that it has failed to deal with any matter in dispute referred to it or that an error is apparent in the decision. Reference back to board

(4) *The Arbitrations Act* does not apply to arbitrations under this act. R.S.O. 1960, c. 18 not to apply

12.—(1) Where, during the bargaining under this Act or during the proceedings before the board, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under this Act. Where agreement reached

(2) Where, during the bargaining under this Act or during the proceedings before the board, the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision, except as otherwise agreed by the parties, shall be confined to the matters not agreed upon by the parties, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare Decision of board

a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(3) The board shall, in its decision, fix the time within which the parties shall execute the document.

Failure to execute agreement

(4) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under this Act, effective from the day designated in the order or, failing such designation, from the day upon which the order was made.

Agreement not to require legislative implementation

13. No collective agreement shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.

Employee organization as exclusive bargaining agent

14. Every collective agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies.

Payment of dues to employee organization

15.—(1) The parties to a collective agreement may provide, subject to the regulations, for the payment by the employees of dues or contributions to the employee organization.

Requiring membership in employee organization prohibited

(2) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.

Minimum term of agreements

16. If a collective agreement does not provide for its term of operation, or provides for its operation for an unspecified term or for a term of less than two years, it shall be deemed to provide for a term of two years from the date it commenced to operate.

Exclusive functions of employer

17. Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to determine complement, departmental organization, employment, classification, job evaluation, merit system, superannuation and the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off or termination of employment of employees, and that such matters shall not be the subject of collective bargaining nor come within the jurisdiction of a board.

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Public Service Grievance Board and the Board, after giving full opportunity to the parties to present their evidence and to make their submissions, shall decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement. Arbitration of disputes under agreement

(2) The Public Service Grievance Board and any member thereof have, respectively, the same powers as a board of arbitration and a member thereof under subsections 12 and 13 of section 10. Powers

OPERATION OF AGREEMENTS

19.—(1) A collective agreement is, subject to and for the purposes of this Act, binding upon the employer, upon the employee organization that is a party thereto and upon the employees in the bargaining unit covered by the agreement. Binding effect of agreement

(2) Subsection 1 applies to every collective agreement covering a unit of employees referred to in subsection 2 of section 3 which is in operation upon the coming into force of this Act. Application of subs. 1 to existing agreements

20. Either party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or the making of a new agreement, may, only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement, give notice in writing thereof to the other party accompanied by a statement in writing of its proposed modifications, if any. Notice of desire to bargain for renewal or new agreement

21.—(1) Where notice has been given by the employee organization under section 6, the conditions then in effect applicable to or binding upon the employer, the employee organization or the employees which are subject to collective bargaining within the meaning of this Act shall not be altered without the consent of the employer, the employee organization or the employees, as the case may be. Conditions in effect when notice to bargain given not to be altered

(2) Where notice has been given by either party to a collective agreement under section 20, except as altered by an agreement in writing of the parties, the terms and provisions of the agreement then in operation shall continue to operate Agreement to continue after notice to bargain for renewal or new agreement

until a new agreement entered into pursuant to the provisions of this Act is in operation.

TERMINATION OF REPRESENTATION RIGHTS

Application for termination of representation rights

22.—(1) If an employee organization does not enter into a collective agreement with the employer within one year after being granted representation rights or fails to give notice of its intention to bargain as provided under section 20 and no such notice has been given by the employer, the employer or any employee in the bargaining unit concerned may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem

(2) Any employee in the bargaining unit covered by a collective agreement may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Representation vote

(3) Upon the application under subsection 2, the Tribunal shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Tribunal shall conduct a representation vote to determine whether or not a majority of the employees desire that the right of the employee organization to bargain on their behalf be terminated.

Eligible voters

(4) In determining the number of eligible voters for the purpose of subsection 3, employees who are absent from work during voting hours and who do not cast their ballots shall not be counted as eligible.

Result of vote

(5) If, on the taking of the representation vote, more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the employee organization, the Tribunal shall declare that the employee organization that was granted representation rights or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Effect of termination

(6) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate

and any decision of a board applying to the bargaining unit ceases to have effect.

Termination of rights where employee organization desires or has ceased to act

23.—(1) Where the Tribunal is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Tribunal, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act on behalf of the employees, the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

Where lack of qualification or obtained by fraud

(2) Where the Tribunal,

(*a*) upon application thereto by the employer or any employee concerned, determines that an employee organization would not, if it were applying for representation rights in respect of a bargaining unit, be granted such rights by the Tribunal by reason of failure to qualify under clause *j* of section 1; or

(*b*) is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud,

the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

Effect of termination

(3) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision made by a board applying to the bargaining unit ceases to have effect.

PROHIBITIONS

Persuasion at place of work

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization.

Strike and lock-out prohibited

25. The employer shall not cause a lock-out, and an employee shall not strike.

Interference with employee organization prohibited

26.—(1) No person who is acting on behalf of the employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization.

Interference with employee's rights prohibited

(2) The employer or any person acting on behalf of the employer shall not,

(*a*) refuse to employ or to continue to employ or discriminate against a person with regard to employment or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization;

(*b*) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act;

(*c*) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act; or

(*d*) refuse to employ or continue to employ or discriminate against a person with regard to employment only because the person refused to make a contribution or expenditure to or on behalf of any political party or to or on behalf of a candidate for public office,

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed or proposed to be employed in a managerial or confidential capacity.

Intimidation and coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Remedy

(4) Upon a complaint to the Tribunal by any person that he has been discharged or dealt with contrary to subsection 2 or 3, the Tribunal, after inquiring into the complaint, shall determine what, if anything, the employer, employee organization or other person shall do or refrain from doing with respect thereto, and such determination may include the hiring or

reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employee benefits, and the employer, employee organization or other person shall, notwithstanding the provisions of any collective agreement or arbitration award, do or abstain from doing anything required of them or any of them by the determination.

Enforcement of determination

(5) Where the employer or employee organization or other person has failed to comply with any of the terms of the determination, any employer, employee organization or person affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Tribunal in writing of such failure, and thereupon the Tribunal may file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the form prescribed by the regulations, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Duty of fair representation

27. An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.

Authorizing or counselling strikes prohibited

28. No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel, procure or support the declaration or authorization of a strike of employees or the participation of employees in a strike.

Declaration of unlawful strike

29. Where it is alleged that an employee organization has declared or authorized a strike or that employees are engaging in a strike, the employer may apply to the Tribunal for a declaration that the strike would be or is unlawful and the Tribunal, after affording an opportunity to the employee organization or to the employees, as the case may be, to be heard on the application, may make such a declaration.

Causing unlawful strikes, lock-outs

30. No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 25.

Refusal to engage in unlawful strike

31. No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 25.

Protection of witnesses' rights

32.—(1) The employer or any person acting on behalf of the employer shall not,

(*a*) refuse to employ or continue to employ a person;

(*b*) threaten dismissal or otherwise threaten a person;

(*c*) discriminate against a person in regard to employment or a term or condition of employment; or

(*d*) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Idem

(2) No employee organization or person acting on behalf of an employee organization shall,

(*a*) discriminate against a person in regard to employment or a term or condition of employment; or

(*b*) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

TRIBUNAL

Tribunal established

33.—(1) There shall be a tribunal to be known as the Ontario Public Service Labour Relations Tribunal.

Composition

(2) The Tribunal shall be composed of one or more adjudicators appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers appropriate.

Chairman

(3) The Lieutenant Governor in Council shall designate one adjudicator to be the chairman.

Vacancy

(4) A vacancy in the membership of the Tribunal for any cause may be filled by the Lieutenant Governor in Council.

(5) One adjudicator constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Tribunal. Quorum

(6) The chairman shall from time to time assign the adjudicators of the Tribunal to its various sittings and designate one as presiding member for each sitting. Assignment of adjudicators

(7) Where the Tribunal at any sitting is composed of one adjudicator, his decision constitutes a decision of the Tribunal, and, where the Tribunal at any sitting is composed of more than one adjudicator, a decision of a majority of the adjudicators, constitutes a decision of the Tribunal, provided that in the event of a tie vote, the presiding member has a casting vote. Decision

34. The Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it, and, except as otherwise provided in this Act, the action or decision of the Tribunal thereon is final and binding for all purposes, but nevertheless the Tribunal may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling. Jurisdiction

35. If, in the course of bargaining for a collective agreement or during the period of operation of a collective agreement, a question arises as to whether a person is an employee, the question may be referred to the Tribunal and its decision thereon is final and binding for all purposes. Question as to whether person an employee

36.—(1) The Tribunal shall exercise such powers and perform such duties as are conferred upon it by or under this Act. Powers and duties of Tribunal, general

(2) Without limiting the generality of subsection 1, the Tribunal has power, Specific

(*a*) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, whether or not the premises are those of the employer, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;

(*b*) to enter upon the premises of the employer and conduct representation votes during working hours

and give such directions in connection with the vote as it considers necessary;

(*c*) to authorize any person to do anything that the Tribunal may do under clauses *a* and *b* and to report to the Tribunal thereon;

(*d*) to authorize an adjudicator to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon;

(*e*) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or employee organization representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application;

(*f*) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Tribunal on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined.

Subsequent applications for representation rights, etc.

(3) Notwithstanding sections 2 and 22, where an application has been made for representation rights of an employee organization as bargaining agent for employees in a bargaining unit or for a declaration that the employee organization no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Tribunal at the time a subsequent application for such representation rights or for such a declaration is made with respect to any of the employees affected by the original application, the Tribunal may,

(*a*) treat the subsequent application as having been made on the date of the making of the original application;

(*b*) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Tribunal on the original application; or

(*c*) refuse to entertain the subsequent application.

Determination of membership

(4) Where the Tribunal is satisfied that an employee organization has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Tribunal in determining whether a person is a member of an employee organization, need not have regard for such eligibility requirements provided that any person so admitted to membership is accorded full membership status for all purposes by the employee organization.

Stated case

37.—(1) The Tribunal may of its own motion and shall upon the request of any party state a case in writing to the Court of Appeal upon any question of law.

Court to hear and determine stated case

(2) Where a case is stated under this section, the Court of Appeal shall hear and determine in a summary manner the question raised.

Proceedings stayed

(3) Pending the decision of the Court of Appeal on a case stated under this section, no further proceedings shall be taken by the Tribunal with respect to the subject matter of the stated case but it may continue its inquiry into matters not in issue in the stated case.

Procedure

38.—(1) The Tribunal shall determine its own practice and procedure but shall afford to the parties to any proceedings an opportunity for a hearing to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules, not inconsistent with the provisions of this Act, governing its practice and procedure and the exercise of its powers.

Notice of hearing

(2) The parties to any proceedings shall be given reasonable notice of the hearing by the Tribunal.

Idem

(3) A notice of a hearing shall include,

(*a*) a statement of the time, place and purpose of the hearing;

(*b*) a reference to the statutory authority under which the hearing will be held; and

(*c*) a statement that if the party notified does not attend at the hearing, the Tribunal may proceed in his absence and he will not be entitled to any further notice in the proceedings.

Effect of non-attendance at hearing after due notice

(4) Where notice of a hearing has been given to a party to any proceedings in accordance with this Act and the party does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to any further notice in the proceedings.

Where character, etc., of a party is in issue

(5) Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

Hearings to be public, exceptions

(6) A hearing shall be open to the public except where the Tribunal is of the opinion that,

(*a*) matters involving public security may be disclosed; or

(*b*) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the Tribunal may hold the hearing concerning any such matters *in camera*.

Maintenance of orders at hearings

(7) A Tribunal may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the Tribunal or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as may be reasonably required for that purpose.

Rights of parties to counsel, to examine witnesses, etc., at hearings

(8) A party to proceedings may at a hearing,

(*a*) be represented by counsel or an agent;

(*b*) call and examine witnesses and present his arguments and submissions;

(*c*) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

Rights of witnesses to counsel

(9) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the Tribunal.

Idem

(10) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

Summonses

(11) The Tribunal may require any person, including a party, by summons,

(*a*) to give evidence on oath or affirmation at a hearing; and

(*b*) to produce in evidence at a hearing documents and things specified by the Tribunal,

relevant to the subject matter of the proceedings and admissible at a hearing.

Form and service of summonses

(12) A summons issued under subsection 11 shall be in the form prescribed by the regulations and,

(*a*) where the Tribunal consists of one person, shall be signed by him; or

(*b*) where the Tribunal consists of more than one person, shall be signed by the presiding officer of the Tribunal or in such other manner as documents on behalf of the Tribunal may be signed; and

(*c*) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the Tribunal as are paid for the attendance of a witness summoned to attend before the Supreme Court.

Bench warrants

(13) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that,

(*a*) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;

(*b*) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and

(*c*) his presence is material to the ends of justice,

the judge may, by his warrant in the form prescribed by the regulations, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the Tribunal and to be detained in custody as the judge may order until his presence as a witness before the Tribunal is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence.

Proof of service

(14) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 13.

Certificate of facts

(15) Where an application under subsection 13 is made on behalf of the Tribunal, the person constituting the Tribunal, or where the Tribunal consists of two or more persons, the presiding officer thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

Idem

(16) Where an application under subsection 13 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

Contempt proceedings

(17) Where any person without lawful excuse,

(*a*) on being duly summoned under this section as a witness at a hearing makes default in attending at the hearing; or

(*b*) being in attendance as a witness at a hearing refuses to take an oath or to make an affirmation legally required by the Tribunal to be taken or made, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

the Tribunal may, of its own motion or on application of a party to the proceedings, state a case to the Supreme Court setting out the facts and that court may, on application on behalf of and in the name of the Tribunal or by such party, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Protection for witnesses

(18) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

What is admissible in evidence at a hearing

(19) Subject to subsections 20 and 21, the Tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

(*a*) any oral testimony; and

(*b*) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the Tribunal may exclude anything unduly repetitious.

What is inadmissible in evidence at a hearing

(20) Nothing is admissible in evidence at a hearing,

(*a*) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(*b*) that is expressly stated to be inadmissible under this or any other Act.

Conflicts

(21) Nothing in subsection 19 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Copies

(22) Where the Tribunal is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Photo-copies

(23) Where a document has been filed in evidence at a hearing, the Tribunal may, or the person producing it or

entitled to it may with the leave of the Tribunal, cause the document to be photocopied and the Tribunal may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the Tribunal.

Certified copy admissible in evidence

(24) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the Tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Notice of facts and opinions

(25) The Tribunal may, in making its decision in any proceedings,

(*a*) take notice of facts that may be judicially noticed; and

(*b*) take notice of any scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

Decision

(26) The Tribunal shall give its final decision in any proceedings in writing and shall give reasons in writing therefor if requested by a party.

Notice of decision

(27) The Tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the Tribunal, a copy of its final decision in the proceedings, together with the reasons therefor, where reasons have been given.

Record of proceedings

(28) The Tribunal shall compile a record of any proceedings in which a hearing has been held which shall include,

(*a*) any application, complaint, reference or other document, if any, by which the proceedings were commenced;

(*b*) the notice of any hearing;

(*c*) any intermediate orders made by the Tribunal;

(*d*) all documentary evidence filed with the Tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceedings;

(*e*) the transcript, if any, of the oral evidence given at the hearing; and

(*f*) the decision of the Tribunal and the reasons therefor, where reasons have been given.

Adjournments

(29) A hearing may be adjourned from time to time by the Tribunal of its own motion or where it is shown to the satisfaction of the Tribunal that the adjournment is required to permit an adequate hearing to be held.

Administration of oaths

(30) A member of the Tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings.

Abuse of processes

(31) The Tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

Limitation on cross-examination

(32) The Tribunal may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

Exclusion of agents

(33) The Tribunal may exclude from a hearing anyone, other than a legally qualified counsel, appearing as an agent on behalf of a party or as an adviser to a witness if it finds that such person is not competent properly to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Notice, etc.

(34) Where the Tribunal is of opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable,

(*a*) to give notice of the hearing; or

(*b*) to send its decision and the material mentioned in subsection 27,

to all or any of the parties individually, the Tribunal may, instead of doing so, cause reasonable notice of the hearing or of its decision to be given to such parties by public advertisement or otherwise as the Tribunal may direct.

Contents of notice

(35) A notice of a decision given by the Tribunal under clause *b* of subsection 34 shall inform the parties of the place where copies of the decision and the reasons therefor, if reasons were given, may be obtained.

Disposition of proceedings without hearing, etc.

(36) Any proceedings may be disposed of by a decision of the Tribunal given,

(*a*) without a hearing; or

(*b*) without compliance with any other requirement of this Act,

where the parties have waived such hearing or compliance.

OFFENCES

Contravention of Act by employee

39.—(1) Every employee who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500 for each day upon which such contravention occurs or continues.

Contravention of Act by officer of employee organization

(2) Every officer or representative of an employee organization who contravenes any provision of this Act is guilty of a n offence and on summary conviction is liable to a fine or not more than $1,000 for every day upon which such contravention occurs or continues.

Contravention of Act by employee organization

(3) Every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 for every day upon which such contravention occurs or continues.

When officers also guilty of offence

(4) If an employee organization is guilty of an offence under this Act, every officer or representative thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 2 as if he had been convicted of an offence under subsection 2.

Information

(5) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Consent

(6) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Tribunal.

Prosecution of employee organization

40. A prosecution for an offence may be brought against an employee organization in the name of that organization, and, for the purposes of any such prosecution, an employee organization shall be deemed to be a person, and any Act or thing done or omitted by an officer or representative of an employee organization within the apparent scope of his

authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization.

GENERAL

Trusteeship over employee organization

41.—(1) If the autonomy of an employee organization is suspended under the constitution and by-laws of its parent body, written notice thereof shall be given the Tribunal by the parent body within thirty days of the commencement of such suspension together with a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Tribunal, file such additional information as the Tribunal from time to time may require.

Duration of trusteeship

(2) Any such supervision or control shall not continue for more than twelve months from the date of such suspension but such supervision or control may be continued for such further period as the Tribunal may prescribe.

Information

42.—(1) Every employee organization having representation rights under this Act shall, within three months after the coming into force of this Act and thereafter within three months after the end of each calendar year, file a statement with the Tribunal, certified as to the truth and accuracy thereof by the president and the treasurer, containing the following particulars:

(*a*) the name of the organization;

(*b*) the address of the headquarters of the organization in Ontario to which communications for the purposes of this Act may be directed;

(*c*) the constitution of the organization;

(*d*) the name and address of each officer of the organization and the position held by each such officer;

(*e*) the name and address of each officer and employee of the organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by each such officer and employee and the manner in which he was elected or appointed;

(*f*) a financial statement for the latest complete fiscal year consisting of,

(i) a balance sheet showing the assets and liabilities of the organization made up for such fiscal year, and

(ii) a statement of income and expenditure for such fiscal year, in such form and containing such particulars and other information relating to the financial position of the organization as may be prescribed by the regulations.

Financial statement R.S.O. 1960, c. 317

(2) Every financial statement shall be certified by a person licensed under *The Public Accountancy Act* and shall be accompanied by an affidavit completed by the president and treasurer of the employee organization affirming that throughout the fiscal period reported upon the employee organization was at all times qualified as an employee organization under this Act.

Publication of financial statement

(3) An employee organization having representation rights under this Act shall publish for its members its financial statement in the same form and within the same periods prescribed under subsections 1 and 2.

Enforcement of Act

43. Any action or proceeding to restrain a contravention or otherwise enforce the provisions of this Act may be commenced in the Supreme Court after notice has been given to the employees affected by posting or publication in such manner as the Tribunal may direct, and in the case of an employee organization by service thereupon at the address shown in the statement required pursuant to subsection 1 of section 42.

Protection against giving evidence in civil actions

44. No member of the Tribunal or of a board or of the Public Service Grievance Board and no person appointed thereby or a mediator appointed under this Act shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

Mailed notices

45.—(1) For the purposes of this Act and of any proceedings taken under it, any notice or communication sent through Her Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

Time of making certain applications

(2) An application for representation rights or for a declaration that an employee organization no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Tribunal at Toronto, shall be deemed to have been made on the date on which it was so mailed.

(3) A decision, determination, report, interim order, order, direction, declaration or ruling of the Board, a notice from the Tribunal that it does not deem it advisable to appoint a mediator, a report of a mediator, or a decision of a board, Time of release of documents

(*a*) if sent by mail to the person, employer or employee organization concerned addressed to him or it at his or its last-known address, shall be deemed to have been released on the second day after the day on which it was so mailed; or

(*b*) if delivered to a person, the employer or employee organization concerned at his or its last-known address, shall be deemed to have been released on the day next after the day on which it was so delivered.

(4) Proof by a person, or the employer or employee organization of failure to receive a determination, direction or decision of the Tribunal sent by mail to such person, employer or employee organization to him or it at his or its last-known address is a defence by such person, employer or employee organization to an applicaion for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, direction or decision. Failure to receive documents a defence

46.—(1) The records of an employee organization relating to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Tribunal is for the exclusive use of the Tribunal and its officers and shall not, except with the consent of the Tribunal, be disclosed, and no person shall, except with the consent of the Tribunal, be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization. Secrecy as to union membership

(2) No information or material furnished to or received by a mediator under this Act shall be disclosed, except to the Tribunal, unless otherwise authorized by the party providing the information or material. Non-disclosure

(3) No report of a mediator shall be disclosed except to the Tribunal. Idem

(4) A mediator appointed under this Act is not a competent or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 3, or respecting any information or material furnished to or received by him, or any statement Competency as witness

made to or by him in an endeavour to effect a collective agreement.

Idem

(5) The chairman or any other member of a board of arbitration is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

(*a*) any information or material furnished to or received by him;

(*b*) any evidence or representation submitted to him; or

(*c*) any statement made by him,

in the course of his duties under this Act.

Regulations

47. The Lieutenant Governor in Council may make regulations,

(*a*) excluding from the scope of collective bargaining any matter or any position or classification;

(*b*) designating the body to represent any agency of the Crown for the purpose of clause *j* of section 1;

(*c*) prescribing the terms and conditions on which dues or contributions may be paid to an employee organization;

(*d*) prescribing the form and content of a statement of income and expenditure of an employee organization;

(*e*) providing for and fixing the remuneration and expenses of the chairman and other members of a board;

(*f*) designating employee organizations and the bargaining unit or units in relation to which such employee organizations have representation rights;

(*g*) prescribing forms and providing for their use.

Moneys required for Act

48. The moneys required by the Crown for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commencement

49. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

50. This Act may be cited as *The Crown Employees Collective Bargaining Act, 1970*.

1st Reading

November 2nd, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

1970

BILL 218

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Liquor Licence Act

MR. WELCH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The amendments provide for public house licences with no conditions respecting use by male or female.

Provision is also made for the licensing of resorts under dining lounge licences and dining room licences without local option.

BILL 218 **1970**

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Liquor Licence Act*, as amended by subsection 3 of section 1 of *The Liquor Licence Amendment Act, 1965*, is further amended by inserting after "inn" in the first line "resort", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 1, cl. *f*, amended

(*f*) "establishment" means a club, hotel, inn, resort, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*ta*) "resort" means an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and lodging are furnished to the public and that operates on a seasonal basis as determined by the regulations.

2. Subsection 1 of section 21 of *The Liquor Licence Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 218, s. 21, subs. 1, amended

5*a*. Public house licence, for the sale and consumption of beer in premises to which both men and women are admitted, whether singly or escorted.

3.—(1) Subsection 1 of section 24 of *The Liquor Licence Act*, as amended by section 8 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following paragraph: R.S.O. 1960 c. 218, s. 24, subs. 1, amended

6. Resorts having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,

i. dining lounge licence,

ii. dining room licence.

R.S.O. 1960, c. 218, s. 24, amended

(2) The said section 24 is amended by adding thereto the following subsection:

Exception re resorts

(2*a*) Notwithstanding that an affirmative vote has not been taken therefor under section 72, the Board may issue a dining lounge licence or a dining room licence in respect of a resort.

R.S.O. 1960, c. 218, s. 72, subs. 1, amended

4.—(1) Subsection 1 of section 72 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

5*a*. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women may be admitted whether singly or escorted?

Where public house licence may be issued without vote

(2) In municipalities where immediately before this section comes into force it is lawful to issue licences referred to in both paragraphs 4 and 5 of subsection 1 of section 21 of *The Liquor Licence Act*, it is lawful to issue the licence referred to in paragraph 5*a* thereof as enacted by this section notwithstanding that no affirmative vote has been taken thereon under section 72 of *The Liquor Licence Act* and subject to section 73 of that Act.

R.S.O. 1960, c. 218, s. 73, subs. 1, amended

5. Subsection 1 of section 73 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

5*a*. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women are admitted whether singly or escorted?

R.S.O. 1960, c. 218, s. 85, amended

6. Section 85 of *The Liquor Licence Act*, as amended by section 22 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following clause:

(*ha*) determining what is a seasonal basis in respect of the operation of a resort for the purposes of clause *ta* of section 1.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Liquor Licence Amendment Act, 1970*.

1st Reading

November 2nd, 1970

2nd Reading

3rd Reading

MR. WELCH

1970

BILL 218

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Liquor Licence Act

MR. WELCH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 218 **1970**

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Liquor Licence Act*, as amended by subsection 3 of section 1 of *The Liquor Licence Amendment Act, 1965*, is further amended by inserting after "inn" in the first line "resort", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 1, cl. *f*, amended

(*f*) "establishment" means a club, hotel, inn, resort, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*ta*) "resort" means an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and lodging are furnished to the public and that operates on a seasonal basis as determined by the regulations.

2. Subsection 1 of section 21 of *The Liquor Licence Act* is amended by adding thereto the following paragraph: R.S.O. 1960 c. 218, s. 21, subs. 1, amended

5*a*. Public house licence, for the sale and consumption of beer in premises to which both men and women are admitted, whether singly or escorted.

3.—(1) Subsection 1 of section 24 of *The Liquor Licence Act*, as amended by section 8 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following paragraph: R.S.O. 1960 c. 218, s. 24 subs. 1, amended

6. Resorts having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,

i. dining lounge licence,

ii. dining room licence.

R.S.O. 1960, c. 218, s. 24, amended

(2) The said section 24 is amended by adding thereto the following subsection:

Exception re resorts

(2*a*) Notwithstanding that an affirmative vote has not been taken therefor under section 72, the Board may issue a dining lounge licence or a dining room licence in respect of a resort.

R.S.O. 1960, c. 218, s. 72, subs. 1, amended

4.—(1) Subsection 1 of section 72 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

5*a*. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women may be admitted whether singly or escorted?

Where public house licence may be issued without vote

(2) In municipalities where immediately before this section comes into force it is lawful to issue licences referred to in both paragraphs 4 and 5 of subsection 1 of section 21 of *The Liquor Licence Act*, it is lawful to issue the licence referred to in paragraph 5*a* thereof as enacted by this section notwithstanding that no affirmative vote has been taken thereon under section 72 of *The Liquor Licence Act* and subject to section 73 of that Act.

R.S.O. 1960, c. 218, s. 73, subs. 1, amended

5. Subsection 1 of section 73 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

5*a*. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women are admitted whether singly or escorted?

R.S.O. 1960, c. 218, s. 85, amended

6. Section 85 of *The Liquor Licence Act*, as amended by section 22 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following clause:

(*ha*) determining what is a seasonal basis in respect of the operation of a resort for the purposes of clause *ta* of section 1.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Liquor Licence Amendment Act, 1970*.

1st Reading

November 2nd, 1970

2nd Reading

November 5th, 1970

3rd Reading

November 10th, 1970

MR. WELCH

1970

BILL 219

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Territorial Division Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill brings *The Territorial Division Act* up to date in relation to the changes in status and names of municipalities.

BILL 219 1970

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act* is amended by striking out the first five lines, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968* and subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968-69*, and substituting therefor the following: R.S.O. 1960, c. 395, s. 1, amended

1. The territorial division of Ontario into counties and districts and metropolitan and regional areas shall continue as hereinafter set forth, and, subject to sections 4, 5, 5*a* and 5*b*, for municipal and judicial purposes such counties, and for judicial purposes such districts and metropolitan and regional areas, are respectively composed as follows: Organization continued

. . . . .

(2) Clause *b* of paragraph 8 of the said section 1, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "Amherstburg" in the first line "Belle River", so that the clause shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 8, cl. *b*, amended

(*b*) the towns of Amherstburg, Belle River, Essex, Harrow, Kingsville, Leamington, Tecumseh.

(3) Clause *d* of paragraph 8 of the said section 1 is amended by striking out "villages of Belle River" and inserting in lieu thereof "Village of", so that the clause shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 8, cl. *d*, amended

(*d*) the Village of St. Clair Beach.

R.S.O. 1960, c. 395, s. 1, par. 9, cl. *b*, amended

(4) Clause *b* of paragraph 9 of the said section 1 is amended by striking out "Horse Shoe" in the second column and inserting in lieu thereof "Horseshoe".

R.S.O. 1960, c. 395, s. 1, par. 12, cl. *d*, amended

(5) Clause *d* of paragraph 12 of the said section 1 is amended by striking out "Saint Vincent" in the second column and inserting in lieu thereof "St. Vincent".

R.S.O. 1960, c. 395, s. 1, par. 15, cl. *b*, amended

(6) Clause *b* of paragraph 15 of the said section 1 is amended by striking out "Desoronto" and inserting in lieu thereof "Deseronto".

R.S.O. 1960, c. 395, s. 1, par. 35, cl. *a*, re-enacted

(7) Clause *a* of paragraph 35 of the said section 1 is repealed and the following substituted therefor:

(*a*) the cities of Barrie and Orillia.

R.S.O. 1960, c. 395, s. 1, par. 35, cl. *b*, amended

(8) Clause *b* of paragraph 35 of the said section 1 is amended by striking out "Orillia" in the second line, so that the clause shall read as follows:

(*b*) the towns of Alliston, Bradford, Collingwood, Midland, Penetanguishene, Stayner.

R.S.O. 1960, c. 395, s. 1, amended

(9) The said section 1 is further amended by adding thereto the following paragraph:

Toronto

36a.—THE MUNICIPALITY OF METROPOLITAN TORONTO consists of the municipalities from time to time included within the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*.

R.S.O. 1960, c. 260

R.S.O. 1960, c. 395, s. 1, par. 42, re-enacted

(10) Paragraph 42 of the said section 1, as amended by subsection 10 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed and the following substituted therefor:

York

42.—THE REGIONAL MUNICIPALITY OF YORK consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of York Act, 1970*.

1970, c. 50

R.S.O. 1960, c. 395, s. 1, par. 43, cl. *b*, amended

(11) Clause *b* of paragraph 43 of the said section 1 is amended by striking out "Livingstone, Lawrence and Nightingale" in the second column and inserting in lieu thereof "and Livingstone".

R.S.O. 1960, c. 395, s. 1, par. 45, cl. *a*, amended

(12) Clause *a* of paragraph 45 of the said section 1 is amended by striking out "Matheson" in the second line.

R.S.O. 1960, c. 395, s. 1, par. 48, re-enacted

(13) Paragraph 48 of the said section 1 is repealed and the following substituted therefor:

48.—THE TERRITORIAL DISTRICT OF MUSKOKA consists of The District Municipality of Muskoka composed of the municipalities from time to time included within the District Area as defined in *The District Municipality of Muskoka Act, 1970*. Muskoka

1970, c. 32

The District Municipality of Muskoka forms the Provisional Judicial District of Muskoka. Provisional Judicial District of Muskoka

(14) Paragraph 49 of the said section 1 is amended by striking out "Finlayson" in the first column of clause *c*. R.S.O. 1960, c. 395, s. 1, par. 49, amended

(15) Paragraph 49 of the said section 1 is further amended by inserting after "with" in the first line following clause *c* "that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and", so that the first two lines following clause *c* shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 49, amended

together with that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and all the remaining territory included within the following limits:

. . . . .

(16) Clause *b* of paragraph 52 of the said section 1 is amended by striking out "Chelmsford" in the first line. R.S.O. 1960, c. 395, s. 1, par. 52, cl. *b*, amended

(17) Clause *c* of paragraph 52 of the said section 1, as amended by subsection 19 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 15 and 16 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "McGee" in the first column "McKim". R.S.O. 1960, c. 395, s. 1, par. 52, cl. *c*, amended

(18) Clause *a* of paragraph 53 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 53, cl. *a*, re-enacted

(*a*) the City of Thunder Bay.

2.—(1) Clause *b* of paragraph 2 of section 2 of *The Territorial Division Act* is amended by striking out "Calvert" in the first column. R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

(2) Clause *b* of paragraph 2 of the said section 2 is further amended by striking out "Black River" in the third column and inserting at the commencement of the first column "Black River-Matheson". R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

R.S.O. 1960, c. 395, s. 2, par. 3, cl. *a*, amended

(3) Clause *a* of paragraph 3 of the said section 2, as amended by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Barclay" in the amendment of 1964 "Ear Falls", so that the clause shall read as follows:

(*a*) the improvement districts of Balmertown, Barclay, Ear Falls, Sioux Narrows.

R.S.O. 1960, c. 395, s. 2, par. 4, amended

(4) Paragraph 4 of the said section 2 is amended by striking out "Billings and part of Allan" in the first column and inserting in lieu thereof "Billings" and by striking out "Gordon and part of Allan" in the second column and inserting in lieu thereof "Gordon".

R.S.O. 1960, c. 395, s. 2, par. 5, repealed

(5) Paragraph 5 of the said section 2 is repealed.

R.S.O. 1960, c. 395, s. 2, par. 6, cl. *a*, re-enacted

(6) Clause *a* of paragraph 6 of the said section 2 is repealed and the following substituted therefor:

(*a*) the improvement districts of Cameron and Temagami.

. . . . .

R.S.O. 1960, c. 395, s. 2, par. 6, cl. *b*, amended

(7) Clause *b* of paragraph 6 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "West Ferris" and "Widdifield" in the third column.

R.S.O. 1960, c. 395, s. 2, par. 8, cl. *b*, amended

(8) Clause *b* of paragraph 8 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out "Lavallee" in the second column and inserting in lieu thereof "La Vallee".

R.S.O. 1960, c. 395, s. 2, par. 9, cl. *b*, amended

(9) Clause *b* of paragraph 9 of the said section 2 is amended by striking out "Blezard" and "Capreol" in the first column, "Hanmer" in the second column and by inserting after "Salter, May and Harrow" in the third column "Valley East".

R.S.O. 1960, c. 395, s. 2, par. 10, cl. *a*, amended

(10) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 4 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "Dorion" in the first line and by striking out "Marathon" in the second line, so that the clause shall read as follows:

(*a*) the improvement districts of Beardmore, Manitouwadge, Nakina, Red Rock.

(11) Clause *b* of paragraph 10 of the said section 2, as amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Conmee" in the first column "Dorion" and after "Longlac" in the amendment of 1964 "Marathon". R.S.O. 1960, c. 395, s. 2, par. 10, cl. *b*, amended

3. *The Territorial Division Act* is amended by adding thereto the following section: R.S.O. 1960, c. 395, amended

5*b*. For judicial purposes, The Municipality of Metropolitan Toronto and The Regional Municipality of York are combined to form the Judicial District of York. Judicial District of York

4.—(1) This Act, except subsections 1, 9, 10, 13, 14 and 15 of section 1, subsections 1 and 5 of section 2 and section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 1, 9, 10, 13, 14 and 15 of section 1, subsections 1 and 5 of section 2 and section 3 come into force on the 1st day of January, 1971. Idem

5. This Act may be cited as *The Territorial Division Amendment Act, 1970*. Short title

1st Reading

November 3rd, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 219

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Territorial Division Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 219 **1970**

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act* is amended by striking out the first five lines, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968* and subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968-69*, and substituting therefor the following: R.S.O. 1960, c. 395, s. 1, amended

1. The territorial division of Ontario into counties and districts and metropolitan and regional areas shall continue as hereinafter set forth, and, subject to sections 4, 5, 5*a* and 5*b*, for municipal and judicial purposes such counties, and for judicial purposes such districts and metropolitan and regional areas, are respectively composed as follows: Organization continued

. . . . .

(2) Clause *b* of paragraph 8 of the said section 1, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "Amherstburg" in the first line "Belle River", so that the clause shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 8, cl. *b*, amended

(*b*) the towns of Amherstburg, Belle River, Essex, Harrow, Kingsville, Leamington, Tecumseh.

(3) Clause *d* of paragraph 8 of the said section 1 is amended by striking out "villages of Belle River" and inserting in lieu thereof "Village of", so that the clause shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 8, cl. *d* amended

(*d*) the Village of St. Clair Beach.

R.S.O. 1960, c. 395, s. 1, par. 9, cl. *b*, amended

(4) Clause *b* of paragraph 9 of the said section 1 is amended by striking out "Horse Shoe" in the second column and inserting in lieu thereof "Horseshoe".

R.S.O. 1960, c. 395, s. 1, par. 12, cl. *d*, amended

(5) Clause *d* of paragraph 12 of the said section 1 is amended by striking out "Saint Vincent" in the second column and inserting in lieu thereof "St. Vincent".

R.S.O. 1960, c. 395, s. 1, par. 15, cl. *b*, amended

(6) Clause *b* of paragraph 15 of the said section 1 is amended by striking out "Desoronto" and inserting in lieu thereof "Deseronto".

R.S.O. 1960, c. 395, s. 1, par. 35, cl. *a*, re-enacted

(7) Clause *a* of paragraph 35 of the said section 1 is repealed and the following substituted therefor:

(*a*) the cities of Barrie and Orillia.

R.S.O. 1960, c. 395, s. 1, par. 35, cl. *b*, amended

(8) Clause *b* of paragraph 35 of the said section 1 is amended by striking out "Orillia" in the second line, so that the clause shall read as follows:

(*b*) the towns of Alliston, Bradford, Collingwood, Midland, Penetanguishene, Stayner.

R.S.O. 1960, c. 395, s. 1, amended

(9) The said section 1 is further amended by adding thereto the following paragraph:

Toronto

36*a*.—THE MUNICIPALITY OF METROPOLITAN TORONTO consists of the municipalities from time to time included within the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*.

R.S.O. 1960, c. 260

R.S.O. 1960, c. 395, s. 1, par. 42, re-enacted

(10) Paragraph 42 of the said section 1, as amended by subsection 10 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed and the following substituted therefor:

York

42.—THE REGIONAL MUNICIPALITY OF YORK consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of York Act, 1970*.

1970, c. 50

R.S.O. 1960, c. 395, s. 1, par. 43, cl. *b*, amended

(11) Clause *b* of paragraph 43 of the said section 1 is amended by striking out "Livingstone, Lawrence and Nightingale" in the second column and inserting in lieu thereof "and Livingstone".

R.S.O. 1960, c. 395, s. 1, par. 45, cl. *a*, amended

(12) Clause *a* of paragraph 45 of the said section 1 is amended by striking out "Matheson" in the second line.

R.S.O. 1960, c. 395, s. 1, par. 48, re-enacted

(13) Paragraph 48 of the said section 1 is repealed and the following substituted therefor:

48.—THE TERRITORIAL DISTRICT OF MUSKOKA consists of The District Municipality of Muskoka composed of the municipalities from time to time included within the District Area as defined in *The District Municipality of Muskoka Act, 1970*. Muskoka 1970, c. 32

The District Municipality of Muskoka forms the Provisional Judicial District of Muskoka. Provisional Judicial District of Muskoka

(14) Paragraph 49 of the said section 1 is amended by striking out "Finlayson" in the first column of clause *c*. R.S.O. 1960, c. 395, s. 1, par. 49, amended

(15) Paragraph 49 of the said section 1 is further amended by inserting after "with" in the first line following clause *c* "that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and", so that the first two lines following clause *c* shall read as follows: R.S.O. 1960, c. 395, s. 1, par. 49, amended

> together with that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and all the remaining territory included within the following limits:

. . . . .

(16) Clause *b* of paragraph 52 of the said section 1 is amended by striking out "Chelmsford" in the first line. R.S.O. 1960, c. 395, s. 1, par. 52, cl. *b*, amended

(17) Clause *c* of paragraph 52 of the said section 1, as amended by subsection 19 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 15 and 16 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "McGee" in the first column "McKim". R.S.O. 1960, c. 395, s. 1, par. 52, cl. *c*, amended

(18) Clause *a* of paragraph 53 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 53, cl. *a*, re-enacted

> (*a*) the City of Thunder Bay.

2.—(1) Clause *b* of paragraph 2 of section 2 of *The Territorial Division Act* is amended by striking out "Calvert" in the first column. R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

(2) Clause *b* of paragraph 2 of the said section 2 is further amended by striking out "Black River" in the third column and inserting at the commencement of the first column "Black River-Matheson". R.S.O. 1960, c. 395, s. 2, par. 2, cl. *b*, amended

R.S.O. 1960, c. 395, s. 2, par. 3, cl. *a*, amended

(3) Clause *a* of paragraph 3 of the said section 2, as amended by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Barclay" in the amendment of 1964 "Ear Falls", so that the clause shall read as follows:

(*a*) the improvement districts of Balmertown, Barclay, Ear Falls, Sioux Narrows.

R.S.O. 1960, c. 395, s. 2, par. 4, amended

(4) Paragraph 4 of the said section 2 is amended by striking out "Billings and part of Allan" in the first column and inserting in lieu thereof "Billings" and by striking out "Gordon and part of Allan" in the second column and inserting in lieu thereof "Gordon".

R.S.O. 1960, c. 395, s. 2, par. 5, repealed

(5) Paragraph 5 of the said section 2 is repealed.

R.S.O. 1960, c. 395, s. 2, par. 6, cl. *a*, re-enacted

(6) Clause *a* of paragraph 6 of the said section 2 is repealed and the following substituted therefor:

(*a*) the improvement districts of Cameron and Temagami.

R.S.O. 1960, c. 395, s. 2, par. 6, cl. *b*, amended

(7) Clause *b* of paragraph 6 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "West Ferris" and "Widdifield" in the third column.

R.S.O. 1960, c. 395, s. 2, par. 8, cl. *b*, amended

(8) Clause *b* of paragraph 8 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out "Lavallee" in the second column and inserting in lieu thereof "La Vallee".

R.S.O. 1960, c. 395, s. 2, par. 9, cl. *b*, amended

(9) Clause *b* of paragraph 9 of the said section 2 is amended by striking out "Blezard" and "Capreol" in the first column, "Hanmer" in the second column and by inserting after "Salter, May and Harrow" in the third column "Valley East".

R.S.O. 1960, c. 395, s. 2, par. 10, cl. *a*, amended

(10) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 4 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "Dorion" in the first line and by striking out "Marathon" in the second line, so that the clause shall read as follows:

(*a*) the improvement districts of Beardmore, Manitouwadge, Nakina, Red Rock.

(11) Clause *b* of paragraph 10 of the said section 2 as, amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Conmee" in the first column "Dorion" and after "Longlac" in the amendment of 1964 "Marathon". R.S.O. 1960, c. 395, s. 2, par. 10, cl. *b*, amended

3. *The Territorial Division Act* is amended by adding thereto the following section: R.S.O. 1960, c. 395, amended

5*b*. For judicial purposes, The Municipality of Metropolitan Toronto and The Regional Municipality of York are combined to form the Judicial District of York. Judicial District of York

4.—(1) This Act, except subsections 1, 9, 10, 13, 14 and 15 of section 1, subsections 1 and 5 of section 2 and section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 1, 9, 10, 13, 14 and 15 of section 1, subsections 1 and 5 of section 2 and section 3 come into force on the 1st day of January, 1971. Idem

5. This Act may be cited as *The Territorial Division Amendment Act, 1970*. Short title

1st Reading

November 3rd, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

MR. MCKEOUGH

BILL 220

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Franchises Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The effect of the amendment is to authorize the Municipal Board to approve more than one by-law in respect of the same work, provided the total period of operation of such by-laws does not exceed three years.

BILL 220 **1970**

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Municipal Franchises Act*, as amended by section 2 of *The Municipal Franchises Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 255, s. 7, amended

(2) Notwithstanding subsection 1, clause *d* of subsection 1 of section 6 applies to a subsequent by-law or by-laws in respect of the same works or any part of them or to an extension of or addition to them if the period of operation of such subsequent by-law or by-laws is expressly limited so that the total period of operation of the original by-law and the subsequent by-law or by-laws does not exceed three years. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Municipal Franchises Amendment Act, 1970*. Short title

1st Reading

November 3rd, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 220

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Franchises Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 220 **1970**

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Municipal Franchises Act*, as amended by section 2 of *The Municipal Franchises Amendment Act, 1966*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 255, s. 7, amended

(2) Notwithstanding subsection 1, clause *d* of subsection 1 of section 6 applies to a subsequent by-law or by-laws in respect of the same works or any part of them or to an extension of or addition to them if the period of operation of such subsequent by-law or by-laws is expressly limited so that the total period of operation of the original by-law and the subsequent by-law or by-laws does not exceed three years. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Municipal Franchises Amendment Act, 1970*. Short title

Explanatory Notes

Section 1. The definitions are amended to exclude special reference to loaning land corporations which are included in the expanded definition of loan corporation. The repeal of clauses *l* and *m* is complementary to section 4 of this Bill.

BILL 221 **1970**

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Loan and Trust Corporations Act*, as re-enacted by section 1 of *The Loan and Trust Corporations Amendment Act, 1967*, is amended by adding at the end thereof "and includes a partnership of which the members are accountants", so that the clause shall read as follows: R.S.O. 1960, c. 222, s. 1, cl. *a* (1967, c. 49, s. 1), amended

(*a*) "accountant" means a person who is a member of The Canadian Institute of Chartered Accountants or any other person who is an accountant and who, in either case, is acceptable to the Registrar as being competent to audit the accounts and transactions of corporations under this Act, and includes a partnership of which the members are accountants.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 1, cl. *c*, re-enacted

(*c*) "corporation" means a loan corporation or a trust company.

(3) Clauses *h* and *i* of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 1, cl. *h*, re-enacted; cl. *i*, repealed

(*h*) "loan corporation" means an incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate or for those and any other purposes, but does not include a chartered bank, an insurance corporation, a trust company, or an investment company registered under *The Investment Contracts Act*. R.S.O. 1960, c. 194

R.S.O. 1960, c. 222, s. 1, cls. *l*, *m*, repealed

(4) Clauses *l* and *m* of the said section 1 are repealed.

R.S.O. 1960, c. 222, s. 1, amended

(5) The said section 1 is amended by adding thereto the following clause:

(*na*) "provincial trust company" means a trust company that is a provincial corporation.

R.S.O. 1960, c. 222, s. 3, subs. 1, amended

2. Subsection 1 of section 3 of *The Loan and Trust Corporations Act* is amended by striking out "a loaning land corporation" in the second line, so that the subsection shall read as follows:

Application for incorporation

(1) An application for the incorporation of a loan corporation or a trust company shall be made by petition to the Lieutenant Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar.

R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *c*, re-enacted

3.—(1) Clause *c* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

(*c*) state the capital of the corporation, the classes, if any, into which it is to be divided, the number of shares of each class and the par value of each share, and where more than one class of shares is provided for, one class shall be common shares designated as such, and the other class or classes shall be preference shares designated as such;

(*ca*) in the case of preference shares, provide for the preferences, rights, conditions, restrictions, limitations or prohibitions attaching thereto including, without limiting the nature thereof, the right of the corporation to purchase for cancellation or at its option to redeem all or part of the preference shares of any class, or provide for conditions, restrictions, limitations or prohibitions on the right to vote.

R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *d*, amended

(2) Clause *d* of subsection 2 of the said section 4 is amended by striking out "or a loaning land" in the first line and by striking out "and loaning land corporations" in the fourth and fifth lines, so that the clause shall read as follows:

(*d*) in the case of a loan corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise.

SECTION 2. Complementary to section 1 of this Bill.

SECTION 3—Subsection 1. The amendment requires the classes of hares and conditions and preferences to be set out in the by-laws.

Subsection 2. Complementary to section 1 of this Bill.

Subsection 3. The terms "ordinary", "special", etc., applied to meetings are simplified by reference to general meetings, of which one type is an annual meeting.

Subsection 4. The provision repealed is re-enacted by section 4 of this Bill.

SECTION 4. The amendment repeals provisions pertaining to permanent stock and the issue of shares not fully paid up and makes direct statutory provision for some matters formerly done by by-law under section 4 (2) of the Act.

SECTION 5. The amendment requires the winding up of a corporation if its registration lapses for two years, in addition to the case where it does not exercise its corporate powers.

SECTION 6. Complementary to section 1 of this Bill.

SECTION 7. The amendment would permit loan corporations, with the consent of the Lieutenant Governor in Council, to engage in agency business.

(3) Clause *e* of subsection 2 of the said section 4 is amended by striking out "ordinary and special" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *e*, amended

(*e*) provide for the holding of general meetings of the shareholders.

(4) Subsection 2 of the said section 4 is amended by inserting "and" at the end of clause *g*, by striking out "and" at the end of clause *h* and by striking out clause *i*. R.S.O. 1960, c. 222, s. 4, subs. 2, amended

4. Section 9 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 9, re-enacted

Fully paid shares

9.—(1) No share shall be issued on or after the 30th day of June, 1970, until it is fully paid and a share is not fully paid until all consideration therefor has been received by the corporation.

No issue of shares at discount

(2) No shares of any class shall be issued at a discount or upon any terms, agreement or understanding that the holder thereof is liable for any lesser amount than the par value thereof.

No transfer to reduce number of shareholders to less than 25

(3) No transfer of shares shall be made that has the effect of reducing the number of shareholders to less than twenty-five.

5. Subsection 1 of section 13 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 13, subs. 1, re-enacted

Termination of corporate powers where non-user

(1) If a corporation does not go into actual *bona fide* operation and becomes registered under this Act within two years after incorporation or if it does not use its corporate powers for the purposes set forth in its letters patent, the Act or instrument of incorporation, or is not registered under this Act during a period of two consecutive years, its corporate powers, except so far as is necessary for winding up the corporation, shall thereupon cease and determine.

6. Section 14 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 14, repealed

7. Section 18 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 18, re-enacted

Application by loan corporation for power to act as agent

18.—(1) A loan corporation may apply by petition to the Lieutenant Governor in Council for an order

authorizing the corporation to act generally as agent for the transaction of business, the collection of loans, rents, interest, dividends, mortgages and other securities for money, as a depository for the safekeeping of securities and personal property and to carry on the business of a mortgage or real estate broker.

Application authorized by resolution

(2) An application under subsection 1 shall be authorized by a resolution of the directors.

Amendment of registration

(3) Upon the making of an order under subsection 1, the Registrar shall amend the registration of the corporation kept under clause *a* of subsection 1 of section 111 and subsection 1 of section 121.

R.S.O. 1960, ss. 20-23, re-enacted

8. Sections 20, 21, 22 and 23 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Annual meeting

20.—(1) A corporation shall hold an annual meeting of shareholders at the head office of the corporation or elsewhere in Ontario at least once in each year for the purposes of considering the financial statement of the corporation required to be laid before the meeting by section 69, the election of directors, the appointment of auditors and the transaction of such other business as is permitted or required by law or by the by-laws of the corporation.

Notice

(2) Notice of the time and place of the annual meeting shall be given to each person who on the record date for notice appears on the records of the corporation as a shareholder by delivering or sending the notice by mail to his latest address as shown on the records of the corporation at least ten days before the date of the meeting.

General meetings

21.—(1) The directors of a corporation may at any time by resolution call a general meeting of the shareholders for the transaction of any business specified in the resolution.

Requisition by shareholders

(2) Shareholders holding not less than 10 per cent of the issued shares of a corporation carrying the right to vote at the meeting may request the directors to call a general meeting of the shareholders for any purpose that is connected with the affairs of the corporation and that is not inconsistent with this Act.

SECTION 8. The amendment specifies the place of the annual meeting and updates the provisions for notice and the requisitioning of shareholders' meetings.

(3) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation, and may consist of several documents in like form signed by one or more requisitionists. Form of requisition

(4) Upon deposit of the requisition, the directors shall call forthwith a general meeting of the shareholders for the transaction of the business stated in the requisition. Directors to call general meeting

(5) Notice of any general meeting of the shareholders shall be given in the manner provided in subsection 2 of section 20. Notice

(6) No business other than that specified in the notice thereof shall be transacted at a general meeting unless all the shareholders are present in person or are represented by proxy and unanimously consent thereto. Other business

22. Every director or officer of a corporation wilfully neglecting or omitting to give or cause to be given the notice for any general meeting required by section 21 is guilty of an offence. Offence

23.—(1) The by-laws may provide for the fixing in advance of a date as the record date, Record dates

(*a*) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed by by-law, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and

(*b*) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall be not more than forty-eight hours, excluding Saturdays and holidays, before the date of the meeting and, where no such record date for voting is fixed by by-law, the record date for voting shall be at the time of the taking of the vote.

Voting rights

23*a*. The holder of each common share and, subject to clause *ca* of subsection 2 of section 4, the holder of each preference share who, on the record date for voting appears on the records of the corporation as a shareholder is entitled to one vote for each share held by him, upon which he is not in arrear in respect of any call, at all meetings of shareholders of the corporation.

R.S.O. 1960, c. 222, s. 25, amended

9. Section 25 of *The Loan and Trust Corporations Act* is amended by striking out "annual and special" in the first line, so that the subsection shall read as follows:

Minute Book

25. The transactions of all general meetings of the corporation and of all meetings of the board of directors shall be entered in a book known as the "Minute Book" of the corporation.

R.S.O. 1960, c. 222, s. 34, subss. 3, 4, re-enacted

10. Subsections 3 and 4 of section 34 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Retirement age

(3) On and after the 1st day of January, 1972, no person is qualified for appointment or election as a director if he has attained the age of seventy-five years.

Majority to be Canadian citizens and residents

(4) The majority of the directors shall at all times be Canadian citizens ordinarily resident in Canada.

New election to fill directorships in such case

(4*a*) Where more than the permitted number of non-residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which non-residents or aliens have been elected, and so on until the number of non-residents and aliens elected is reduced to or below the permitted number.

R.S.O. 1960, c. 222, s. 49 (1961-62, c. 74, s. 2), amended

11. Section 49 of *The Loan and Trust Corporations Act*, as re-enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "stock" in the first line, so that the section shall read as follows:

Par value of shares

49. The par value of a share of capital shall be $1 or any multiple thereof not exceeding $100.

R.S.O. 1960, c. 222, s. 58, re-enacted

12. Section 58 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Increase or decrease of capital

58.—(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital.

SECTION 9. Complementary to section 3 (3) of this Bill.

SECTION 10. A maximum age of 75 years is fixed for directors and the requirement that a majority be British subjects is changed to Canadian citizens.

SECTION 11. The reference to "stock" is deleted to update the terminology.

SECTION 12. The purpose of the amendment is to define more exactly the procedures necessary for increasing or decreasing the capital of a corporation.

(2) The by-law shall state the number, class and par value of the shares by which the capital is so increased or decreased. Contents of by-law

(3) The directors may by by-law provide upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares. Conversion of partly paid up shares

(4) The liability of shareholders to persons who, at the time the capital is increased or decreased or shares are converted or altered, are creditors of the corporation remains as though the capital had not been increased or decreased or the shares had not been converted or altered. Rights of creditors preserved

(5) Where a by-law under this section would have the effect of increasing or decreasing the capital of a corporation or altering the liability of any shareholder thereof, a copy of the proposed by-law shall be delivered to the Registrar and no such by-law shall be passed for at least one month thereafter. Copy to Registrar

(6) No by-law under this section has any force or effect until it has been submitted to a general meeting of the shareholders of the corporation duly called for that purpose at which the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and is confirmed thereat, with or without variation, by a resolution passed by the affirmative votes of the holders of at least two-thirds of the shares represented at the meeting, and has thereafter been confirmed by order of the Lieutenant Governor in Council. Confirmation of by-law by shareholders and by order in council

(7) Notice of such general meeting of the shareholders shall be given as provided in subsection 2 of section 20 and such additional notice as the Registrar may direct. Notice to shareholders

(8) The Lieutenant Governor in Council may grant this confirmation, required by subsection 6, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest. When confirmation may be granted

(9) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for Varying by-law on confirmation

in any by-law under this section may be varied or amended by the confirming order in council, and may be made subject to such conditions as the Lieutenant Governor in Council considers proper.

Evidence of confirmation

(10) A copy of the order in council confirming a by-law under this section, certified by the Clerk of the Executive Council shall be received in evidence as *prima facie* proof of the confirmation.

Effective date of by-law

(11) A by-law under this section becomes effective on the date specified in the confirming order in council.

R.S.O. 1960, c. 222, s. 61, repealed

13. Section 61 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 62, amended

14. Section 62 of *The Loan and Trust Corporations Act* is amended by striking out "and subsections 5 to 8 of section 59 apply to the books prescribed by section 61" in the second and third lines, so that the section shall read as follows:

Application of s. 59, subss. 6-8

62. Subsections 6 to 8 of section 59 apply to the registers prescribed by section 60.

R.S.O. 1960, c. 222, ss. 66-69, re-enacted

15. Sections 66, 67, 68 and 69 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Auditors

66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appointment annually

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in the office until a successor is appointed.

Casual vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal of auditor

(4) The shareholders may, by resolution passed by a majority of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority

SECTION 13. The section repealed provides for recording of the holders of terminating shares. The section is repealed because loan corporations no longer have terminating shares.

SECTION 14. Complementary to section 13 of this Bill.

SECTIONS 15 and 16. The purpose of the amendment is to ensure the independence of auditors and to provide for an audit committee and is similar to the corresponding provisions in *The Business Corporations Act, 1970*.

of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Notice to auditor

(5) Before calling a general meeting for the purpose specified in subsection 4, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(*a*) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(*b*) a copy of all material proposed to be sent to shareholders in connection with the meeting.

Right of auditor to make representations

(6) The auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning his proposed removal as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

Remuneration

(7) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment by Registrar

(8) If for any reason no auditor is appointed, the Registrar may appoint one or more auditors to hold office until the close of the next annual meeting and fix the remuneration to be paid by the corporation for his or their services.

Notice of appointment

(9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made.

Notice to auditor of proposal to appoint another

(10) A person, other than an incumbent auditor, may not be appointed auditor at an annual meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the corporation not less than fifteen days before the meeting at which the auditor is to be appointed and where such notice is given the corporation shall send a copy of the notice to the incumbent auditor and

to the person whom it is intended to nominate and shall give notice thereof to the shareholders in the manner specified in section 20.

Right of incumbent auditor to make representations

(11) The incumbent auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to reappoint him as auditor, and the corporation, at its expense, shall forward with the notice of the meeting, a copy of such representations to each shareholder entitled to receive notice of the meeting.

Interpretation

67.—(1) In this section, "related person" means,

(*a*) any spouse, son or daughter of that person;

(*b*) any relative of such person or of his spouse, other than a relative referred to in clause *a*, who has the same home as such person; or

(*c*) any body corporate of which such person and any of the persons referred to in clause *a* or *b* or the partner or employer of such person, either alone or in combination, beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of the body corporate for the time being outstanding.

Who may be auditor

(2) An auditor of a registered corporation shall be an accountant.

Persons disqualified as auditors

(3) No person shall be appointed auditor of a registered corporation if he or any member of his firm is a shareholder, director, officer or employee of such corporation, or of any company in which such corporation has invested its funds under section 138*a* or 140*a*.

Auditor appointment

(4) A registered corporation shall, where possible, cause its auditor or one of its auditors to be appointed auditor of any company in which such corporation has invested its funds under section 138*a* or 140*a* and where such appointment is not possible the corporation shall inform the Registrar of the circumstances that prevent such appointment.

Application of subs. 3

(5) Subsection 3 does not apply to a person, partner, employer or related person who is not empowered to

decide whether securities of the registered corporation or its holding company, as the case may be, are to be beneficially owned, directly or indirectly, by him, or if he is not entitled to vote in respect thereof.

Idem

(6) Where, on the date this section comes into force, an auditor or his partner, employer or related person owns securities as set out in subsection 3, notwithstanding subsection 3, he may for a period of two years from the date this section comes into force continue to act as auditor if he discloses in the report required under subsection 2 of section 68 that he or his partner, employer or related person so owns such securities but, at the expiration of such period he shall cease to act as auditor unless he or his partner, employer or related person, as the case may be, has disposed of such securities.

Auditors not to be appointed receivers, etc.

(7) No person shall be appointed a receiver or a receiver and manager or liquidator of any registered corporation of which he or a related person is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator.

Trustee in bankruptcy not to be appointed auditor R.S.C. 1952, c. 14

(8) No person who is appointed a trustee of the estate of a registered corporation under the *Bankruptcy Act* (Canada) or a related person shall be appointed or act as auditor of the registered corporation.

Auditor's examination

68.—(1) The auditor shall make such examination as will enable him to make the reports required under subsection 2.

Auditor's reports

(2) The auditor of a registered corporation shall make reports,

(*a*) to the shareholders on the financial statement of the corporation referred to in sections 20 and 69; and

(*b*) to the Registrar on the annual statement filed with the Registrar under section 152.

Idem

(3) In the reports required by subsection 2, the auditor shall state,

(*a*) whether he has obtained all the information and explanations he has required;

(*b*) whether in the opinion of the auditor the financial statement presents fairly the financial position of the corporation as at the date of the balance sheet included therein and the results of the operations of the corporation for the financial period ended on that date; and

(*c*) whether the financial statements are in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any,

in accordance with the information he has obtained and the explanations given to him and as shown by the books of the corporation.

Qualified report

(4) When the opinion expressed in a statement under subsection 2 is not an unqualified opinion, the auditor shall state in his report the reasons therefor.

Facts discovered after statement

(5) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual general meeting of shareholders, would have required a material adjustment to the financial statement presented to such meetings, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

Amendment of auditor's report

(6) On the receipt of facts furnished under subsection 5 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 4 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the shareholders.

Auditor's statement

(7) The auditor in his reports shall make such statements as he considers necessary,

(*a*) if the corporation's financial statement or annual statement is not in agreement with its accounting records;

(*b*) if the corporation's financial statement or annual statement is not in accordance with

any requirements of this Act or as prescribed by the Registrar; or

(*c*) if proper accounting records have not been kept so far as appears from his examination.

Right of access, etc.

(8) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of the corporation and is entitled to require from the directors, officers and employees of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

Idem

(9) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the corporation and is entitled to require from the directors, officers and employees of each such subsidiary such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

Idem

(10) Where a subsidiary of the corporation is a body corporate to which this Act does not apply, the holding corporation shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary, and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanations required by subsection 8.

Auditor's right to attend meetings

(11) The auditor of a corporation is entitled to attend any meeting of the shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor.

Shareholder may require auditor's attendance at shareholders meetings

(12) Any shareholder of a corporation, whether or not he is entitled to vote at meetings of shareholders, may, by notice in writing to the corporation given five days or more before any meeting of shareholders, require the attendance of the auditor at such meeting at the corporation's expense, and in such event the auditor shall attend the meeting.

Auditor may attend shareholders meetings

(13) At any meeting of shareholders the auditor, if present, shall answer inquiries directed to him concerning the

basis upon which he formed the opinion stated in the report made under subsection 2.

Registrar may enlarge scope

(14) The Registrar may direct that the scope of the annual audit of a corporation be enlarged or extended and may appoint for such purpose an accountant as an auditor of the corporation and the expenses incurred by reason of such appointment are payable by the corporation.

Annual financial statement

69.—(1) The directors shall lay before each annual meeting of shareholders,

(*a*) a financial statement for the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, made up of,

(i) a statement of profit and loss for such period,

(ii) a statement of retained earnings, or surplus for such period,

(iii) a statement of general reserve,

(iv) a statement of accumulated reserves for investments,

(v) a balance sheet as at the end of such period, and if the Registrar so directs, showing in each case the corresponding figures for the last preceding financial period of the corporation;

(*b*) the report of the auditor to the shareholders;

(*c*) such further information respecting the financial position of the corporation, as its letters patent, supplementary letters patent, or by-laws, require.

Form

(2) The Lieutenant Governor in Council may make regulations prescribing the form and content of the financial statement required under subsection 1.

(3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection at the meeting by any shareholder. Auditor's report to be read

(4) The financial statement shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report shall be attached to or accompany the financial statement. Approval by directors

(5) A corporation shall, at least ten days before the date of the annual meeting of the shareholders, send by prepaid mail to each shareholder entitled to notice of the meeting at his latest address shown on the records of the corporation a copy of the financial statement and a copy of the auditor's report. Copy to shareholders

(6) A copy of the financial statement and auditor's report shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same. Copy to debenture holders

16. Section 70 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 70, re-enacted

70. Sections 71 to 76 apply to every loan corporation incorporated under the law of Ontario or having its head office in Ontario and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations. Application of ss. 71-76

70*a*.—(1) The directors of a corporation shall elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three directors, of whom the majority shall not be officers or employees of the corporation or an affiliate of the corporation, to hold office until the next annual meeting of the shareholders. Audit committee

(2) The members of the audit committee shall elect a chairman from among their number. Chairman

(3) The corporation shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors. Review

Hearing of auditor

(4) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Idem

(5) Upon the request of the auditor, the chairman of the audit committee shall convene a meeting of the committee to consider any matter the auditor believes should be brought to the attention of the directors or shareholders.

R.S.O. 1960, c. 222, s. 71, re-enacted

17.—(1) Section 71 of *The Loan and Trust Corporations Act*, as amended by section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Amount of capital subscribed and paid in before borrowing

71.—(1) No loan corporation shall exercise any of the borrowing powers conferred by this Act unless and until it has a capital paid in and unimpaired of at least $1,000,000.

Borrowing powers

(2) Subject to the qualifications, limitations and restrictions contained in this Act, a registered loan corporation, if authorized by by-law, may,

(*a*) borrow money by way of loan or on deposit at such rates of interest and upon such terms as the directors may from time to time determine;

(*b*) issue debentures, bonds and other securities to evidence any such borrowing; and

(*c*) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the corporation present or future, including book debts and unpaid calls, rights, powers, franchises and undertaking, to secure any such debentures, bonds or other securities or any money borrowed.

Confirming by-law

(3) No by-law for any of the purposes mentioned in subsection 2 takes effect unless such by-law,

(*a*) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the corporation duly called to consider such by-law; or

SECTIONS 17 and 18. The amendments define more exactly the borrowing powers of loan corporations and the procedures and restrictions on amounts that may be borrowed.

(*a*) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;

(*b*) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;

(*c*) loans payable on demand and fully secured by securities referred to in clause *b*; and

. . . . .

R.S.O. 1960, c. 222, s. 74 (1966, c. 81, s. 6), subs. 2, cls. *a*, *b*, re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 74 are repealed and the following substituted therefor:

(*a*) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and

(*b*) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks, or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

R.S.O. 1960, c. 222, s. 75, re-enacted

20. Section 75 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor:

Limit on borrowing

75. The total amount borrowed by a registered loan corporation, by way of the issue of debentures bonds or other securities and by way of deposits shall not at any time exceed an amount equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

(*a*) increase the total amount that may be borrowed by such corporation to an amount not exceeding twenty times the aggregate of such unimpaired capital and reserve; and

SECTION 20. The maximum borrowing by loan corporations, with the approval of the Lieutenant Governor in Council, is increased from fifteen times its unimpaired capital and reserve to twenty times its unimpaired capital and reserve.

SECTION 21. Provision is made for the regulation of pooled trust funds.

(*b*) prescribe the portion of the total amount that may be borrowed by such corporation that may be borrowed by way of deposits.

21. *The Loan and Trust Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 222 amended

78*a*.—(1) In this section, "pooled trust fund" means a trust fund maintained or operated by a trust company in which moneys belonging to various participants are combined for the purpose of investment and entitling the participant to receive on demand, or after a specified period after demand, an amount computed by reference to the value of a proportionate interest in the assets of such trust fund, but does not include a trust fund operated where participation is limited to less than fifty persons. Pooled trust fund defined

(2) The assets of a pooled trust fund shall be held and managed in trust under a trust document for the purpose that complies with the regulations made under subsection 8. Trust document

(3) No trust company shall offer to any person, units or other interests in a pooled trust fund until there has been filed with the Registrar the form of the documents evidencing the trust and such other material as to the reporting to participants, advertising, and training of personnel as the Registrar requires in respect of such offering and a receipt therefor has been obtained from the Registrar. Filing of trust document

(4) The Registrar may, when in his opinion such action is in the public interest, require a trust company to file with him an information folder in the form prescribed by the regulations with respect to a pooled trust fund and no application or moneys for participation in the pooled trust fund shall be received by the trust company from a prospective purchaser until the trust company has delivered to the prospective purchaser a copy of the information folder that has been filed and the trust company shall obtain from each prospective purchaser with his application a statement in writing acknowledging that he has received a copy of the information folder. Information folder and delivery to prospective purchaser

(5) The information folder shall provide brief and plain disclosure of all material facts relating to the pooled trust fund, shall comply as to form and content with the requirements of the regulations and shall be Form of information folder

so certified by the president, vice-president, or managing director or other director appointed for such purpose and by the secretary or manager of the trust company.

New information folders

(6) A trust company that has filed an information folder in respect of a pooled trust fund shall, as long as the trust company continues to offer participation in the pooled trust fund, file with the Registrar, a copy of a new information folder in respect of its contracts,

(*a*) forthwith upon any material changes in any facts set out in the information folder filed in respect of such pooled trust fund; and

(*b*) within one year and one month after the date of the latest information folder filed with the Registrar in respect of such pooled trust fund.

Prohibition order

(7) When it appears to the Registrar that,

(*a*) the information folder, or any other document filed with the Registrar by a trust company under this Act or the regulations,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it is made; or

(*b*) the condition or method of operation of the trust company in connection with its pooled trust fund will render its operations hazardous to the public or to its participants in Ontario,

the Registrar shall report the same to the Minister and the Minister, if he concurs in the report and after hearing the trust company, may order the Registrar to prohibit the trust company from continuing to offer participation in such pooled trust fund.

SECTIONS 22, 23, 24 and 25. The amendments make changes for trust companies corresponding to the changes made for loan corporations by sections 19 and 20 of this Bill.

(8) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing the form and content of the trust instrument establishing a pooled trust fund;

(*b*) prescribing investment restrictions and reserves in respect of pooled trust funds;

(*c*) prescribing the form and content of information folders;

(*d*) prescribing the qualifications and training of persons who may sell interests in pooled trust funds;

(*e*) governing the furnishing of information and advertising to the public in connection with a pooled trust fund;

(*f*) requiring trust companies to furnish the Registrar with such information, returns and reports respecting pooled trust funds as is prescribed.

22. Section 79 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 79, re-enacted

79.—(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures. Trust companies not to borrow by accepting deposits

(2) A provincial trust company may borrow money and charge, mortgage, hypothecate or pledge all or any of the real or personal property, present or future, of the company other than property deemed by this Act to be held by the company as trustee or received for investment under sections 80 and 81, to secure any moneys so borrowed. Trust companies may borrow on its own funds

23. Section 81 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 81, repealed

24. Section 82*a* of *The Loan and Trust Corporations Act*, as enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 82*a* (1965, c. 61, s. 2), re-enacted

82*a*.—(1) The total of the moneys received by a registered trust company as deposits under section 80 and for investment under section 81 or borrowed under section 79 shall not at any time exceed an amount Limit on guaranteed funds

equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

(*a*) increase the total amount that may be so received by such company to an amount not exceeding twenty times the aggregate of such capital and reserve; and

(*b*) prescribe the portion of the total amount that may be so received or borrowed by such company that may be received by way of deposits.

Deduction to be made in estimating the paid in capital

(2) In ascertaining the amounts that may be received or borrowed by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the unimpaired capital.

Pledge of securities to Canada Deposit Insurance Corporation

82*b*. Notwithstanding anything in this Act, a trust company may, with the approval of the Registrar, hypothecate, mortgage or pledge the cash and securities ear-marked and set aside under sections 80 and 81 of this Act to the Canada Deposit Insurance Corporation for a loan from that Corporation.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 1, cls. *a*, *b*, *c*, re-enacted

25.—(1) Clauses *a*, *b*, and *c* of subsection 1 of section 84 of *The Loan and Trust Corporations Act*, as re-enacted by section 7 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor:

(*a*) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;

(*b*) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;

(*c*) loans payable on demand and fully secured by securities referred to in clause *b*.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 2, cls *a*, *b* re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 84 are repealed and the following substituted therefor:

SECTION 26. Complementary to section 1 of this Bill.

SECTION 27. The amendment defines more exactly the requirements for confirmation by shareholders of agreements providing for the amalgamation of loan and trust corporations and the purchase of the assets of one corporation by another.

(*a*) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and

(*b*) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

26. Subsection 1 of section 97 of *The Loan and Trust Corporations Act* is amended by striking out "or loaning land corporation" in the first and second lines and in the fourth line, so that the subsection shall read as follows: R.S.O. 1960, c. 222, s. 97, subs. 1, amended

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase. Power to unite with other corporations and to purchase or sell assets

27. Section 99 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 99, re-enacted

99. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and the agreement or offer is ratified or accepted by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting, that fact shall be certified upon the agreement or offer by the secretary or manager of each corporation under the seal of such corporation. Proceedings to ratify agreement

R.S.O. 1960, c. 222, s. 102, subs. 5, repealed

28. Subsection 5 of section 102 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 105, subss. 2, 3, 4, re-enacted

29.—(1) Subsections 2, 3 and 4 of section 105 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Business and property vested in amalgamated corporation

(2) From the date of the assent, all the business and real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages and other securities, subscriptions and other debts due, and other things in action belonging to each of the amalgamating corporations are vested in the amalgamated corporation without further act or deed.

Creditors' rights

(3) All rights of creditors and liens upon the property of each of the amalgamating corporations are unimpaired by the amalgamation.

Debts and liabilities

(4) All debts, liabilities and duties of each of the amalgamating corporations attach to the amalgamated corporation from the date of the assent and may be enforced against it to the same extent as if they had been incurred or contracted by it.

R.S.O. 1960, c. 222, s. 105, subs. 5 (1960-61, c. 48, s. 2, subs. 2), re-enacted

(2) Subsection 5 of the said section 105, as enacted by subsection 2 of section 2 of *The Loan and Trust Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Charter

(5) Where the amalgamated corporation is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated corporation a charter, as at the date of the assent, confirming the amalgamation agreement and continuing the amalgamated corporation as if it had been incorporated under this Act.

To permit continuation of amalgamated company under another jurisdiction

(6) Where the amalgamated corporation is to continue as other than a provincial corporation and one or more parties to the amalgamation agreement are provincial corporations, the amalgamated corporation may apply to the proper officer of the jurisdiction of continuation specified in the amalgamation agreement for an instrument of continuation continuing the amalgamated corporation as if it had been incorporated under the laws of that jurisdiction.

SECTION 28. The provision repealed prescribes a fee for registration of a certificate of amalgamation. The fee is provided for under the registration statutes.

SECTION 29. The amendment defines more exactly the effect of an amalgamation of loan and trust corporations and provides for the trans-jurisdictional amalgamation of provincial and federal corporations.

SECTION 30. The amendment clarifies the provisions for the acquisition by a loan corporation of the business and assets of another loan corporation by means of a purchase of shares.

30. Subsection 1 of section 106 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 106, subs. 1 re-enacted

Acquisition or amalgamation by registered loan corporation by purchase of shares

(1) In addition to its powers under section 97, a registered loan corporation may, for the purpose of either acquiring the assets of any other loan corporation in Canada or uniting, merging or amalgamating with any such corporation under sections 97 to 105, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,

   (*a*) an offer to purchase has been accepted,

      (i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation, or

      (ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such corporation at a general meeting of the shareholders thereof; and

   (*b*) the purchase has been submitted to a general meeting of the shareholders of the purchasing corporation at which the holders of at least 50 per cent of the issued shares of such corporation for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this section is in addition to the powers set forth

in section 137, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a corporation has purchased shares under this section, it shall within a period of two years after the purchase has been authorized by the Lieutenant Governor in Council proceed under sections 97 to 105 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other corporation, but the Lieutenant Governor in Council, on being satisfied that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister, and the Registrar may direct the corporation to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960, c. 222, s. 108, subs. 1 re-enacted

31. Subsection 1 of section 108 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Acquisition or amalgamation by registered trust company by purchase of shares

(1) In addition to its powers under section 107, a registered trust company may, for the purpose of either acquiring the assets of any corporation in Canada or uniting, merging or amalgamating with any other trust company in Canada under section 107, purchase not less than 67 per cent of the outstanding shares of any such corporation or trust company, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,

(*a*) an offer to purchase has been accepted,

(i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation or trust company, or

SECTION 31. Corresponds to section 30 of this Bill but applies to trust companies.

(ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such other corporation or trust company at a general meeting of the shareholders thereof; and

(*b*) the purchase has been submitted to a general meeting of the shareholders of the registered trust company at which the holders of at least 50 per cent of the issued shares of such company for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 139, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a trust company has purchased shares under this section it shall within a period of two years after such purchase has been authorized by the Lieutenant Governor in Council proceed under section 107 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other trust company, but the Lieutenant Governor in Council, on being satisfied, that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing trust company in the annual report prepared by the Registrar for the Minister, and the Registrar may direct such trust company to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960, c. 222, s. 109, subs. 3, re-enacted

32. Subsection 3 of section 109 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Protection from personal liability

(3) No action or other proceeding for damages shall be instituted against the Registrar or assistant registrar or anyone acting under the authority of the Registrar or assistant registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

R.S.O. 1960, c. 222 s. 111, subs. 1, amended

33. Subsection 1 of section 111 of *The Loan and Trust Corporations Act* is amended by adding "and" at the end of clause *a* and by striking out clause *b*.

R.S.O. 1960, c. 222, s. 114, subs. 3, re-enacted

34.—(1) Subsection 3 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Special audits

(3) Where,

(*a*) a corporation is three months in default in the delivery of the annual statement required by section 152; or

(*b*) for eighteen consecutive months there has been no audit of the books and accounts of the corporation; or

(*c*) there is filed with the Registrar a requisition for audit bearing the signatures and addresses of at least twenty-five shareholders of the corporation holding shares upon which not less than $10,000 in the aggregate has been paid in, alleging specific fraudulent or illegal acts or repudiation of contracts or alleging that the accounts of the corporation have been materially and wilfully falsified and accompanied by a deposit of $1,000 or such other sum as the Registrar fixes as security for the cost of the audit,

the Registrar may appoint an accountant who shall under his direction make a special audit of the books, accounts and securities of the corporation and make to the Registrar a written report thereon.

SECTION 32. The provision protecting the Registrar and assistant registrar from civil liability is written in the form contained in other statutes administered by the Department of Financial and Commercial Affairs.

SECTION 33. Complementary to section 1 of this Bill.

SECTION 34—Subsections 1 and 3. The provision under which the Registrar can conduct his own audit is revised.

Subsection 2. Complementary to section 15 of this Bill.

SECTION 35. The provision repealed permits the Dominion Mortgage Investments Association to require the appointment by the Minister of an examiner under section 115 of the Act. That Association is no longer in existence.

SECTION 36. The amendment defines more exactly the duty of officers of corporations to furnish information to the Registrar on his request.

(2) Subsection 8 of the said section 114 is amended by striking out "66" in the fifth line and inserting in lieu thereof "68". R.S.O. 1960, c. 122, s. 114, subs. 8, amended

(3) Subsections 9 and 10 of the said section 114 are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 114, subss. 9, 10, re-enacted

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts or repudiation of contracts or that the accounts of the corporation have been materially and wilfully falsified, he shall notify the corporation accordingly and furnish to it a copy of the report and the corporation shall within two weeks thereafter file a statement with the Registrar replying to such report. Report of special auditor

(10) Upon consideration of the report and the corporation's statement in reply and such further evidence, documentary or oral, as he may require, the Registrar shall by a decision in writing continue, suspend or cancel the registry of the corporation or impose such terms or conditions upon the registry of the corporation, as he considers appropriate. Registrar's decision

35. Subsection 8 of section 115 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 115, subs. 8, repealed

36. Section 117*a* of *The Loan and Trust Corporations Act*, as enacted by section 8 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 117*a*, (1966, c. 81, s. 8), re-enacted

117*a*.—(1) The Registrar may address any inquiries to a registered corporation or to the president, manager or secretary thereof for the purpose of ascertaining its condition and ability to meet its obligations or as to the conduct of its business and it is the duty of any corporation or officer so addressed to reply promptly in writing to any such inquiry. Inquires by Registrar

(2) The Registrar may require a corporation to forward a copy of any letter addressed to the corporation by the Registrar and any answer thereto to each director of the corporation and upon such requirement being made the president of the board of directors shall instruct the secretary of the corporation to include a copy of such letter and the answer thereto in the minutes of the meeting of the directors next following the requirement of the Registrar. Notice to directors

Answers may be included in Registrar's annual report

(3) The Registrar may, in his discretion, embody in his annual report to the Minister the inquiries and requirement made by him under this section and the answers thereto.

R.S.O. 1960, c. 222, amended

37. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections:

Assets not accounted for

118*a*.—(1) Where it comes to the attention of the Registrar that a provincial corporation may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Registrar is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such corporation and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section 118*b*.

Release of assets

(2) The Registrar may release any assets under his possession and control that he considers advisable for the purposes of the corporation.

Report to Minister

118*b*.—(1) Where the Registrar is of the opinion that the assets of a provincial corporation are not sufficient to meet its liabilities in respect of moneys received in trust or borrowed he shall so report to the Minister.

Remedial powers of the Minister

(2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Registrar under subsection 1, the Minister may do one or both of the following,

(*a*) make the corporation's registry subject to such limitations or conditions as he considers appropriate;

(*b*) prescribe a time within which the corporation shall make good any deficiency of assets.

Subsequent action

(3) If the corporation fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension

SECTION 37. The new provisions enable the Registrar to take control of a provincial corporation, under certain conditions, to determine the degree of its financial difficulties and, if necessary, to manage it for rehabilitation purposes.

thereof subsequently given by the Minister, the Minister shall submit the report of the Registrar to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Registrar to take possession and control of the assets of the corporation and the Registrar shall deliver a copy of the order to an officer of the corporation.

Appointment of appraisers

(4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of Registrar upon taking control

118*c*.—(1) If so ordered by the Lieutenant Governor in Council under section 118*b*, the Registrar shall take possession and control of the assets of a provincial corporation and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Registrar has all the powers of the board of directors of the corporation, and, without limiting the generality of the foregoing, the Registrar may,

(*a*) exclude the directors, officers, servants and agents of the corporation from the premises, property and business of the corporation; and

(*b*) carry on, manage and conduct the operations of the corporation and in the name of the the corporation preserve, maintain, realize, dispose of and add to the property of the corporation, receive the incomes and revenues of the corporation and exercise all the powers of the corporation.

Application to court

(2) While the Registrar has possession and control of the assets of a corporation under this section, the Minister may direct the Registrar to apply to the court for an order for the winding up of the corporation under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

Appointment of managers

(3) Where the Registrar is in possession and control of the assets of a corporation and is conducting its business, he may appoint one or more persons to manage and operate the business of the corporation, and,

(*a*) each person so appointed is a representative of the Registrar; and

(*b*) the remuneration of any such person, other than an employee of the office of the Registrar, shall be fixed by the Minister.

Relinquishing control

(4) Whenever the Minister believes that a corporation, the assets of which are in the possession and control of the Registrar, meets all the requirements of this Act and that it is otherwise proper for the corporation to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Where rehabilitation efforts futile

(5) If the Minister, on the report of the Registrar, considers that further efforts to rehabilitate a corporation, the assets of which are in the possession and control of the Registrar, would be futile, he may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Expenses of proceedings

(6) The expenses of the Registrar incurred in rehabilitation proceedings under this section and sections 118*a* and 118*b* shall be paid,

(*a*) where the corporation that is the subject of the proceedings is a loan corporation, by all loan corporations; or

(*b*) where the corporation that is the subject of the proceedings is a trust company, by all trust companies,

and the share of each shall be in the same proportion as its total net income earned in Ontario in its last preceding fiscal year bears to the total net income earned in Ontario of all loan corporations or trust companies, as the case may be, in the last preceding fiscal year of each.

Advisory committee

(7) The corporations required to bear the said expenses of the Registrar may appoint a committee of not more than six members to advise the Registrar in

respect of all matters pertinent to the rehabilitation of the corporation whose assets are in the possession and control of the Registrar.

Appeal

118*d*.—(1) Notwithstanding section 118*c*, a provincial corporation may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section 118*b* within thirty days after the delivery of a copy of the order to an officer of the provincial corporation, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

(2) An order of the Lieutenant Governor in Council under section 118*b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material on appeal

(3) The Minister shall certify to the Registrar of the Supreme Court,

(*a*) the decision of the Lieutenant Governor in Council;

(*b*) the reports of the Registrar to the Minister or the Lieutenant Governor in Council;

(*c*) the record of any hearing; and

(*d*) all written submissions by the appellant to the Registrar, the Minister or the Lieutenant Governor in Council.

Representation

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Order

(5) Where an appeal is taken under this section, the judge may by order direct the Registrar to take such action as the judge considers proper or refrain from taking any action specified in the order and the Registrar shall act accordingly.

Further decision

(6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section.

R.S.O. 1960, c. 222, s. 123, subs. 1, amended

38.—(1) Subsection 1 of section 123 of *The Loan and Trust Corporations Act* is amended by striking out "and loaning land corporations" in the fifth line, so that the subsection, exclusive of the paragraphs, shall read as follows:

What admissible to registry

(1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

. . . . .

R.S.O. 1960, c. 222, s. 123, subs. 3, re-enacted

(2) Subsection 3 of the said section 123 is repealed and the following substituted therefor:

Registry on terms

(3) Upon the application for registration of a corporation, other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he prescribes.

R.S.O. 1960, c. 122, s. 128, repealed

39. Section 128 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 133, subs. 1, amended

40. Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out "or of a loaning land corporation" in the fourth and fifth lines, so that the subsection shall read as follows:

No unregistered corporation to undertake business

(1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation or of a trust company.

R.S.O. 1960, c. 122, s. 137, subs. 1, re-enacted

41.—(1) Subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as amended by section 3 of *The Loan and Trust Corporations Amendment Act, 1960-61*, subsections 1, 2 and 3 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965*, and subsection 1 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Mortgages

(1) A registered loan corporation may purchase or invest in,

SECTION 38—Subsection 1. Complementary to section 1 of this Bill.

Subsection 2. The amendment requires approval and authorizes the imposition of conditions in respect of corporations incorporated outside Ontario and applying for registration.

SECTION 39. The provision repealed prohibits terminating shares to which all reference in the Act is deleted.

SECTION 40. Complementary to section 1 of this Bill.

SECTIONS 41, 42, 43 and 44. The investment provisions for loan and trust corporations are amended to bring them into accordance with the corresponding provisions applicable to federally incorporated loan and trust corporations.

(*a*) ground rents, mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold to which the mortgage, charge or hypothec relates; mortgages

(*b*) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); N.H.A. mortgages; 1953-54 c. 23 (Can.)

(*c*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest if the excess is guaranteed or insured by or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada) or *The Insurance Act* or similar legislation of any province or territory of Canada; insured mortgages; R.S.C. 1952, cc. 31, 125; R.S.O. 1960, c. 190

(*d*) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer; mortgages and assignments of life insurance policies

Government bonds

(*e*) the debentures, bonds, stock or other securities of or guaranteed by the Government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of Her Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada or elsewhere where the corporation is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectable by the municipalities in which the property is situated;

bonds, etc., issued or guaranteed by the International Bank, etc.

(*f*) the bonds, debentures or other securities issued or guaranteed by,

(i) the International Bank for Reconstruction and Development,

(ii) Inter-American Development Bank or by Asian Development Bank, or

(iii) the government of any country in which the corporation is carrying on business or a province or state thereof;

bonds secured by trust deed

(*g*) the bonds, debentures, debenture stock, notes or other securities of any company that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or other assets of such company of the classes mentioned in clauses *a*, *b*, *c*, *d* and *e*;

federal subsidy bonds

(*h*) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that the Government

of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

provincial subsidy bonds

(*i*) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

transportation equipment security

(*j*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the company;

debentures

(*k*) the bonds, debentures or other evidences of indebtedness of or guaranteed by,

(i) any company if, at the date of investment, the preferred shares or the common shares of the company are authorized as investments by clause *l* or *m*, or

(ii) any company where the earnings of the company in a period of five years ending less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least 1½ times the annual interest requirements at the date of investment on all indebtedness

of or guaranteed by it other than i
debtedness classified as a curre
liability in the balance sheet of t
company, and if the company at t
date of investment owns directly
indirectly more than 50 per cent of t
common shares of another compan
the earnings of the companies duri
the said period of five years may be co
solidated with due allowance for minorit
interests, if any, and in that event t
interest requirements of the companie
shall be consolidated and such co
solidated earnings and consolidate
interest requirements shall be taken a
the earnings and interest requirement
of the company; and for the purpose
this subclause, "earnings" means ear
ings available to meet interest charg
on indebtedness other than indebted
ness classified as a current liability;

preferred shares

(*l*) the preferred shares of a company where t
company has paid,

(i) a dividend in each of the five year
immediately preceding the date of in
vestment at least equal to the specifie
annual rate upon all of its preferre
shares, or

(ii) if the common shares of the compan
are, at the date of investment, autho
rized as investments by clause *m*;

common shares

(*m*) the fully paid common shares of a compan
that during a period of five years that ende
less than one year before the date of purchas
or investment has either,

(i) paid a dividend in each such year upo
its common shares, or

(ii) had earnings in each such year avail
able for the payment of a dividend upo
its common shares,

of at least 4 per cent of the average value a
which the shares were carried in the capita
stock account of the company during the yea

in which the dividend was paid or in which the company had earnings available for the payment of dividends, as the case may be;

(*n*) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if, real estate for the production of income

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government of the country in which the real estate or leasehold is situated, or of a province, state or municipality of that country, or

(B) a company, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) the total investment of the corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

(iv) the book value of the investments of the corporation in real estate or leaseholds for the production of income under this clause and clause *o* do not exceed 10 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

other real estate for the production of income

(*o*) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if,

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of a corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold; but the book value of the investments of the corporation in real estate or leaseholds for the production of income and subject to subclause iv of clause *n* shall not exceed 5 per cent of the book value of the total assets of the corporation;

guaranteed investment certificates of trust companies

(*p*) guaranteed investment certificates of a trust company incorporated in Canada, if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *l* or *m*.

(2) Subsection 2 of the said section 137 is amended by striking out "or a registered loaning land corporation" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 222, s. 137, subs. 2, amended

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. Investment in national housing R.S.C. 1952, c. 188; 1953-54, c. 23 (Can.)

(3) Subsection 3 of the said section 137, as amended by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 3 and 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965* and subsection 2 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 137, subs. 3, re-enacted

(3) A registered loan corporation may lend money on the security of, Loans on securities by loan corporations

(*a*) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1;

(*b*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan shall not exceed three-quarters of the value of the real estate or leasehold;

(*c*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); 1953-54 c. 23 (Can.)

(*b*) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or to act as agent in the sale or purchase of real estate or leaseholds;

(*c*) any company incorporated to offer public participation in an investment portfolio;

(*d*) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services; or

(*e*) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a loan corporation,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960, c. 122, s. 139, re-enacted

43. Section 139 of *The Loan and Trust Corporations Act*, as amended by section 4 of *The Loan and Trust Corporations Amendment Act, 1960-61*, section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, section 5 of *The Loan and Trust Corporations Amendment Act, 1965* and section 11 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Investments by trust companies

139.—(1) A registered trust company may invest its own funds and moneys received for guaranteed investment or as deposits in any of the investments mentioned in subsection 1 of section 137, except that at all times at least 50 per cent of moneys received for guaranteed investment or as deposits shall be invested in or loaned upon such securities only as are authorized for trustees by section 26 of *The Trustee Act*.

R.S.O. 1960, c. 408

Restriction on amounts of investment in real estate

(2) The total book value of the investments of a registered trust company in real estate or leaseholds for the production of income under clause *n* of subsection 1 of section 137, shall not exceed in the case of its own funds 10 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as deposits, 10 per cent of such moneys and under clause *o* of subsection 1 of section 137, shall not exceed in the case of its own funds 5 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as

deposits 5 per cent of such moneys or 25 per cent of the unimpaired capital and reserve of the company, whichever is the greater, but the total amount invested under clauses *n* and *o* shall not exceed the maximum amount provided in clause *n*; and the amount so invested in any one parcel of real estate or leaseholds for the production of income shall not exceed 2 per cent of the aggregate of the total assets of the corporation and the moneys received by it for guaranteed investment or as deposits.

Investments in national housing

(3) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate under the *National Housing Act, 1954* (Canada) or any predecessor thereof, a registered trust company may invest its own funds to an aggregate amount not exceeding 5 per cent of its unimpaired capital and reserve and may, notwithstanding subsection 1, invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding 5 per cent of such moneys in any other classes or types of investments pursuant to the said Act, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

1953-54 c. 23 (Can.)

Loans by registered trust companies

(4) Subject to subsection 1, a registered trust company may lend its own funds and moneys received for guaranteed investment or as deposits on the security of,

(*a*) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1 of section 137;

(*b*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold;

(*c*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value

of the real estate or leasehold, where the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada);

1953-54 c. 23 (Can.)

(*d*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the company is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the company is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

R.S.C. 1952, cc. 31, 125

R.S.O. 1960, c. 190

(*e*) the bonds, debentures, notes, shares or other securities mentioned in clause *f*, *h*, *i*, *j*, *k*, *l*, *m* or *p* of subsection 1 of section 137, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan, and if the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

Loans by trust companies

(5) If a registered trust company is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada), it may lend its own funds and moneys received for guaranteed investment or as deposits, in guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

1964-65 c. 24 (Can.)

R.S.C. 1952, c. 110 1955, c. 46 (Can.)

R.S.O. 1960, c. 222, s. 140, re-enacted

44. Section 140 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

"Basket clause" for registered trust companies

140. A registered trust company may, with respect to its own funds and with respect to moneys received for guaranteed investment or as deposits, make investments and loans not authorized by section 139, subject to the following provisions,

(*a*) investments in real estate or leaseholds under this section shall be made only for the production of income, and may be made by the company in Canada or in any country in which the company is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits;

(*b*) the total book value of the investments and loans made under this section and held by the company, excluding those that are or at any time since acquisition have been authorized as investments apart from this section, shall not exceed the larger of,

(i) 15 per cent of the company's unimpaired capital and reserve, or

(ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits; and

(*c*) this section shall be deemed not to,

(i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii) affect the operation of subsections 1 and 2 of section 139 or the operation of clause *e* of subsection 4 of section 139 as to the amount which may be loaned on the security of the shares of any one company.

Power of registered trust companies to invest in shares of certain companies

140*a*. Notwithstanding anything in section 139 or 142, a registered trust company may invest its own funds in the fully paid shares of,

(*a*) any company incorporated outside Canada to exercise the powers set forth in section 77;

(*b*) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or act as agent in the sale or purchase of real estate or leaseholds;

(*c*) any company incorporated to offer public participation in an investment portfolio;

(*d*) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services;

(*e*) a loan corporation within the meaning of this Act; or

(*f*) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a trust company,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960, c. 222, s. 144, subs. 2, re-enacted

45. Subsection 2 of section 144 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Limitation of time for holding

(2) The corporation shall, subject to section 145, sell any real estate acquired by it under a mortgage, charge or hypothecation, or in satisfaction of a debt, within twelve years after it has been so acquired, otherwise it may be forfeited to Her Majesty for the use of Ontario, but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of Her Majesty to claim such forfeiture.

SECTION 45. Complementary to section 1 of this Bill.

SECTION 46. Self-explanatory.

SECTION 47. The amendment brings the reference to funds into accord with the terminology used elsewhere in the Act.

SECTION 48. The amendment extends the prohibition against loans to directors and auditors to other classes of insiders. The amendment also requires Ontario loan and trust corporations carrying on business outside Canada to retain in Canada assets at least equal to their liabilities in Canada and provide for bonding, etc.

46. Section 145 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 222, s. 145, amended

(2) The corporation may acquire, hold, sell or dispose of real estate acquired in connection with the relocation by the corporation of the place of employment of an employee, if the real estate serves as the residence of the employee immediately after the relocation or served as the residence of the employee immediately before the relocation but the real estate shall not be allowed as an asset of the corporation in the annual report prepared by the Registrar for the Minister if it is held for more than two years following its acquisition. Power to hold real estate on relocation of employee

47. Section 147 of *The Loan and Trust Corporations Act* is amended by striking out "paid up capital and reserve funds" in the fourth and fifth lines and inserting in lieu thereof "unimpaired paid up capital, surplus and reserves", so that the section shall read as follows: R.S.O. 1960, c. 222, s. 147, amended

147. A provincial corporation shall not make or undertake any investment under section 145 or 146 that will cause the total amount at which such investments are carried on its books to exceed 35 per cent of its unimpaired paid up capital, surplus and reserves. Limit of amount of investments in buildings

48. Section 148 of *The Loan and Trust Corporations Act*, as re-enacted by section 14 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 148 (1966, c. 81, s. 14) re-enacted

148.—(1) A corporation shall not knowingly make an investment, Prohibited investments

(*a*) by way of a loan to,

(i) a director or officer of the corporation or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the corporation;

(*b*) in a company that is a substantial shareholder of the corporation; or

(*c*) in a company in which,

(i) an individual mentioned in subclause i of clause *a*,

(ii) an individual who is a substantial shareholder of the corporation,

(iii) another corporation that is a substantial shareholder of the corporation, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

(2) The corporation shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

significant interest

(*a*) a person has a significant interest in a company, or a group of persons has a significant interest in a company, if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the company for the time being outstanding;

substantial shareholder

(*b*) a person is a substantial shareholder of a corporation, or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting

rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares;

(*c*) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing; equity share

(*d*) "investment" means, investment

(i) an investment in a company by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons, but does not include an advance or loan, whether secured or unsecured, that is made by a corporation to a company and that is merely ancillary to the main business of the corporation;

(*e*) "officer" means the president, vice-president, manager, secretary, assistant secretary, comptroller, treasurer and assistant treasurer of a corporation and any other person designated as an officer of the corporation by by-law or by resolution of the directors thereof.

(4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, shares of a company, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other company that is owned beneficially, directly or indirectly, by the first-mentioned company, that is equal to the proportion of the shares of the first-mentioned company that is owned beneficially, directly or indirectly, by that person or group of persons. "Downstream" investment

(5) Notwithstanding subsection 4, a corporation is not prohibited from making an investment in a company only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to Exception

own beneficially, equity shares of the corporation is by reason thereof deemed to own beneficially equity shares of the company.

Exemption

(6) Where any person or group of persons is a substantial shareholder of a corporation and, as a consequence thereof and of the application of this section, certain investments are prohibited for the corporation, the Minister may, on the advice of the Registrar, and on application by the corporation, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(*a*) that the decision of the corporation to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the corporation; and

(*b*) that the investment is to be made under the power granted to the corporation by sections 137, 138, 139 and 140.

Idem

(7) Any exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Assets in Canada

148*a*.—(1) A provincial corporation shall at all times retain in Canada assets at least equal to its liabilities incurred in Canada and to the moneys for which it is accountable as a trustee in Canada.

Safekeeping

(2) The custody of securities registered in the name of or held by a provincial corporation is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the corporation, as the Lieutenant Governor in Council may prescribe.

R.S.O. 1960, c. 222, s. 150, re-enacted

49. Section 150 of *The Loan and Trust Corporations Act*, as amended by section 7 of *The Loan and Trust Corporations Amendment Act, 1965* and section 15 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

SECTIONS 49 and 50. These amendments clarify the obligation of trust companies to make returns to the Registrar.

150.—(1) Every trust company receiving deposits or receiving funds for guaranteed investment shall make a return to the Registrar on or before the 31st day of January in each year drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds and showing all securities, including loans on securities and cash, and money on deposit ear-marked and set aside as provided in subsection 2 of section 80 and subsection 3 of section 82 as such amounts stood on the 31st day of December next preceding, and stating that they were on such date so ear-marked and set aside. Annual return

(2) Every trust company shall prepare a statement in the form prescribed by the Registrar as at the last day of June and of December in each year showing the changes in investments and loans of the company during the preceding half-year. Semi-annual return

(3) Every trust company shall prepare a statement in the form prescribed by the Registrar as at the last day of March, June, September and December in each year showing the amount of cash and securities required to be maintained under section 84 and the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days. Quarterly statement

(4) The statements mentioned in subsections 2 and 3 shall be verified by a certificate of a responsible officer of the trust company and shall be filed with the Registrar within thirty-one days after the date as at which they are made up. Verification of statements

50. Section 151 of *The Loan and Trust Corporations Act*, as re-enacted by section 16 of *The Loan and Trust Corporations Amendment Act, 1966*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 222, s. 151 (1966, c. 81, s. 16), amended

(2) Every loan corporation shall prepare a statement in the form prescribed by the Registrar as of the last day of June and of December in each year showing the changes in investments and loans of the corporation during the preceding half-year. Semi-annual return

(3) The statements mentioned in subsections 1 and 2 shall be verified by a certificate of a responsible officer of the loan corporation and shall be filed with the Registrar within thirty-one days after the date as at which they are made up. Verification

Commencement

51. This Act comes into force on the day it receives Royal Assent.

Short title

52. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1970.* (No. 2)

1st Reading

November 3rd, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

1970

BILL 221

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Loan and Trust Corporations Act

MR. LAWRENCE (Carleton East)

(Reprinted as amended by the Legal and Municipal Committee)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The definitions are amended to exclude special reference to loaning land corporations which are included in the expanded definition of loan corporation. The repeal of clauses *l* and *m* is complementary to section 4 of this Bill.

BILL 221 **1970**

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Loan and Trust Corporations Act*, as re-enacted by section 1 of *The Loan and Trust Corporations Amendment Act, 1967*, is amended by adding at the end thereof "and includes a partnership of which the members are accountants", so that the clause shall read as follows: R.S.O. 1960, c. 222, s. 1, cl. *a* (1967, c. 49, s. 1), amended

(*a*) "accountant" means a person who is a member of The Canadian Institute of Chartered Accountants or any other person who is an accountant and who, in either case, is acceptable to the Registrar as being competent to audit the accounts and transactions of corporations under this Act, and includes a partnership of which the members are accountants.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 1, cl. *c*, re-enacted

(*c*) "corporation" means a loan corporation or a trust company.

(3) Clauses *h* and *i* of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 1, cl. *h*, re-enacted; cl. *i*, repealed

(*h*) "loan corporation" means an incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate or for those and any other purposes, but does not include a chartered bank, an insurance corporation, a trust company, or an investment company registered under *The Investment Contracts Act*. R.S.O. 1960, c. 194

R.S.O. 1960, c. 222, s. 1, cls. *l*, *m*, repealed

(4) Clauses *l* and *m* of the said section 1 are repealed.

R.S.O. 1960, c. 222, s. 1, amended

(5) The said section 1 is amended by adding thereto the following clause:

(*na*) "provincial trust company" means a trust company that is a provincial corporation.

R.S.O. 1960, c. 222, s. 3, subs. 1, amended

2. Subsection 1 of section 3 of *The Loan and Trust Corporations Act* is amended by striking out "a loaning land corporation" in the second line, so that the subsection shall read as follows:

Application for incorporation

(1) An application for the incorporation of a loan corporation or a trust company shall be made by petition to the Lieutenant Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar.

R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *c*, re-enacted

3.—(1) Clause *c* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

(*c*) state the capital of the corporation, the classes, if any, into which it is to be divided, the number of shares of each class and the par value of each share, and where more than one class of shares is provided for, one class shall be common shares designated as such, and the other class or classes shall be preference shares designated as such;

(*ca*) in the case of preference shares, provide for the preferences, rights, conditions, restrictions, limitations or prohibitions attaching thereto including, without limiting the nature thereof, the right of the corporation to purchase for cancellation or at its option to redeem all or part of the preference shares of any class, or provide for conditions, restrictions, limitations or prohibitions on the right to vote.

R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *d*, amended

(2) Clause *d* of subsection 2 of the said section 4 is amended by striking out "or a loaning land" in the first line and by striking out "and loaning land corporations" in the fourth and fifth lines, so that the clause shall read as follows:

(*d*) in the case of a loan corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise.

SECTION 2. Complementary to section 1 of this Bill.

SECTION 3—Subsection 1. The amendment requires the classes of hares and conditions and preferences to be set out in the by-laws.

Subsection 2. Complementary to section 1 of this Bill.

Subsection 3. The terms "ordinary", "special", etc., applied to meetings are simplified by reference to general meetings, of which one type is an annual meeting.

Subsection 4. The provision repealed is re-enacted by section 4 of this Bill.

SECTION 4. The amendment repeals provisions pertaining to permanent stock and the issue of shares not fully paid up and makes direct statutory provision for some matters formerly done by by-law under section 4 (2) of the Act.

SECTION 5. The amendment requires the winding up of a corporation if its registration lapses for two years, in addition to the case where it does not exercise its corporate powers.

SECTION 6. Complementary to section 1 of this Bill.

SECTION 7. The amendment would permit loan corporations, with the consent of the Lieutenant Governor in Council, to engage in agency business.

(3) Clause *e* of subsection 2 of the said section 4 is amended by striking out "ordinary and special" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *e*, amended

(*e*) provide for the holding of general meetings of the shareholders.

(4) Subsection 2 of the said section 4 is amended by inserting "and" at the end of clause *g*, by striking out "and" at the end of clause *h* and by striking out clause *i*. R.S.O. 1960, c. 222, s. 4, subs. 2, amended

4. Section 9 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 9, re-enacted

9.—(1) No share shall be issued on or after the 30th day of June, 1970, until it is fully paid and a share is not fully paid until all consideration therefor has been received by the corporation. Fully paid shares

(2) No shares of any class shall be issued at a discount or upon any terms, agreement or understanding that the holder thereof is liable for any lesser amount than the par value thereof. No issue of shares at discount

(3) No transfer of shares shall be made that has the effect of reducing the number of shareholders to less than twenty-five. No transfer to reduce number of shareholders to less than 25

5. Subsection 1 of section 13 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 13, subs. 1, re-enacted

(1) If a corporation does not go into actual *bona fide* operation and becomes registered under this Act within two years after incorporation or if it does not use its corporate powers for the purposes set forth in its letters patent, the Act or instrument of incorporation, or is not registered under this Act during a period of two consecutive years, its corporate powers, except so far as is necessary for winding up the corporation, shall thereupon cease and determine. Termination of corporate powers where non-user

6. Section 14 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 14, repealed

7. Section 18 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 18, re-enacted

18.—(1) A loan corporation may apply by petition to the Lieutenant Governor in Council for an order Application by loan corporation for power to act as agent

authorizing the corporation to act generally as agent for the transaction of business, the collection of loans, rents, interest, dividends, mortgages and other securities for money, as a depository for the safekeeping of securities and personal property and to carry on the business of a mortgage or real estate broker.

Application authorized by resolution

(2) An application under subsection 1 shall be authorized by a resolution of the directors.

Amendment of registration

(3) Upon the making of an order under subsection 1, the Registrar shall amend the registration of the corporation kept under clause *a* of subsection 1 of section 111 and subsection 1 of section 121.

R.S.O. 1960, ss. 20-23, re-enacted

8. Sections 20, 21, 22 and 23 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Annual meeting

20.—(1) A corporation shall hold an annual meeting of shareholders at the head office of the corporation or elsewhere in Ontario at least once in each year for the purposes of considering the financial statement of the corporation required to be laid before the meeting by section 69, the election of directors, the appointment of auditors and the transaction of such other business as is permitted or required by law or by the by-laws of the corporation.

Notice

(2) Notice of the time and place of the annual meeting shall be given to each person who on the record date for notice appears on the records of the corporation as a shareholder by delivering or sending the notice by mail to his latest address as shown on the records of the corporation at least ten days before the date of the meeting.

General meetings

21.—(1) The directors of a corporation may at any time by resolution call a general meeting of the shareholders for the transaction of any business specified in the resolution.

Requisition by shareholders

(2) Shareholders holding not less than 10 per cent of the issued shares of a corporation carrying the right to vote at the meeting may request the directors to call a general meeting of the shareholders for any purpose that is connected with the affairs of the corporation and that is not inconsistent with this Act.

SECTION 8. The amendment specifies the place of the annual meeting and updates the provisions for notice and the requisitioning of shareholders' meetings.

(3) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation, and may consist of several documents in like form signed by one or more requisitionists. Form of requisition

(4) Upon deposit of the requisition, the directors shall call forthwith a general meeting of the shareholders for the transaction of the business stated in the requisition. Directors to call general meeting

(5) Notice of any general meeting of the shareholders shall be given in the manner provided in subsection 2 of section 20. Notice

(6) No business other than that specified in the notice thereof shall be transacted at a general meeting unless all the shareholders are present in person or are represented by proxy and unanimously consent thereto. Other business

22. Every director or officer of a corporation wilfully neglecting or omitting to give or cause to be given the notice for any general meeting required by section 21 is guilty of an offence. Offence

23.—(1) The by-laws may provide for the fixing in advance of a date as the record date, Record dates

(*a*) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed by by-law, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and

(*b*) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall be not more than forty-eight hours, excluding Saturdays and holidays, before the date of the meeting and, where no such record date for voting is fixed by by-law, the record date for voting shall be at the time of the taking of the vote.

Voting rights

23*a*. The holder of each common share and, subject to clause *ca* of subsection 2 of section 4, the holder of each preference share who, on the record date for voting appears on the records of the corporation as a shareholder is entitled to one vote for each share held by him, upon which he is not in arrear in respect of any call, at all meetings of shareholders of the corporation.

R.S.O. 1960, c. 222, s. 25, amended

9. Section 25 of *The Loan and Trust Corporations Act* is amended by striking out "annual and special" in the first line, so that the subsection shall read as follows:

Minute Book

25. The transactions of all general meetings of the corporation and of all meetings of the board of directors shall be entered in a book known as the "Minute Book" of the corporation.

R.S.O. 1960, c. 222, s. 34, subss. 3, 4, re-enacted

10. Subsections 3 and 4 of section 34 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Retirement age

(3) On and after the 1st day of January, 1972, no person is qualified for appointment or election as a director if he has attained the age of seventy-five years.

Majority to be Canadian citizens and residents

(4) The majority of the directors shall at all times be Canadian citizens ordinarily resident in Canada.

New election to fill director-ships in such case

(4*a*) Where more than the permitted number of non-residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which non-residents or aliens have been elected, and so on until the number of non-residents and aliens elected is reduced to or below the permitted number.

R.S.O. 1960, c. 222, s. 49 (1961-62, c. 74, s. 2), amended

11. Section 49 of *The Loan and Trust Corporations Act*, as re-enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "stock" in the first line, so that the section shall read as follows:

Par value of shares

49. The par value of a share of capital shall be $1 or any multiple thereof not exceeding $100.

R.S.O. 1960, c. 222, s. 58, re-enacted

12. Section 58 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Increase or decrease of capital

58.—(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital.

SECTION 9. Complementary to section 3 (3) of this Bill.

SECTION 10. A maximum age of 75 years is fixed for directors and the requirement that a majority be British subjects is changed to Canadian citizens.

SECTION 11. The reference to "stock" is deleted to update the terminology.

SECTION 12. The purpose of the amendment is to define more exactly the procedures necessary for increasing or decreasing the capital of a corporation.

(2) The by-law shall state the number, class and par value of the shares by which the capital is so increased or decreased. Contents of by-law

(3) The directors may by by-law provide upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares. Conversion of partly paid up shares

(4) The liability of shareholders to persons who, at the time the capital is increased or decreased or shares are converted or altered, are creditors of the corporation remains as though the capital had not been increased or decreased or the shares had not been converted or altered. Rights of creditors preserved

(5) Where a by-law under this section would have the effect of increasing or decreasing the capital of a corporation or altering the liability of any shareholder thereof, a copy of the proposed by-law shall be delivered to the Registrar and no such by-law shall be passed for at least one month thereafter. Copy to Registrar

(6) No by-law under this section has any force or effect until it has been submitted to a general meeting of the shareholders of the corporation duly called for that purpose at which the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and is confirmed thereat, with or without variation, by a resolution passed by the affirmative votes of the holders of at least two-thirds of the shares represented at the meeting, and has thereafter been confirmed by order of the Lieutenant Governor in Council. Confirmation of by-law by shareholders and by order in council

(7) Notice of such general meeting of the shareholders shall be given as provided in subsection 2 of section 20 and such additional notice as the Registrar may direct. Notice to shareholders

(8) The Lieutenant Governor in Council may grant this confirmation, required by subsection 6, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest. When confirmation may be granted

(9) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for Varying by-law on confirmation

in any by-law under this section may be varied or amended by the confirming order in council, and may be made subject to such conditions as the Lieutenant Governor in Council considers proper.

Evidence of confirmation

(10) A copy of the order in council confirming a by-law under this section, certified by the Clerk of the Executive Council shall be received in evidence as *prima facie* proof of the confirmation.

Effective date of by-law

(11) A by-law under this section becomes effective on the date specified in the confirming order in council.

R.S.O. 1960, c. 222, s. 61, repealed

13. Section 61 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 62, amended

14. Section 62 of *The Loan and Trust Corporations Act* is amended by striking out "and subsections 5 to 8 of section 59 apply to the books prescribed by section 61" in the second and third lines, so that the section shall read as follows:

Application of s. 59, subss. 6-8

62. Subsections 6 to 8 of section 59 apply to the registers prescribed by section 60.

R.S.O. 1960, c. 222, ss. 66-69, re-enacted

15. Sections 66, 67, 68 and 69 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Auditors

66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appointment annually

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in the office until a successor is appointed.

Casual vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal of auditor

(4) The shareholders may, by resolution passed by a majority of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority

SECTION 13. The section repealed provides for recording of the holders of terminating shares. The section is repealed because loan corporations no longer have terminating shares.

SECTION 14. Complementary to section 13 of this Bill.

SECTIONS 15 and 16. The purpose of the amendment is to ensure the independence of auditors and to provide for an audit committee and is similar to the corresponding provisions in *The Business Corporations Act, 1970*.

of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Notice to auditor

(5) Before calling a general meeting for the purpose specified in subsection 4, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(*a*) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(*b*) a copy of all material proposed to be sent to shareholders in connection with the meeting.

Right of auditor to make representations

(6) The auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning his proposed removal as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

Remuneration

(7) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment by Registrar

(8) If for any reason no auditor is appointed, the Registrar may appoint one or more auditors to hold office until the close of the next annual meeting and fix the remuneration to be paid by the corporation for his or their services.

Notice of appointment

(9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made.

Notice to auditor of proposal to appoint another

(10) A person, other than an incumbent auditor, may not be appointed auditor at an annual meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the corporation not less than fifteen days before the meeting at which the auditor is to be appointed and where such notice is given the corporation shall send a copy of the notice to the incumbent auditor and

to the person whom it is intended to nominate and shall give notice thereof to the shareholders in the manner specified in section 20.

Right of incumbent auditor to make representations

(11) The incumbent auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to reappoint him as auditor, and the corporation, at its expense, shall forward with the notice of the meeting, a copy of such representations to each shareholder entitled to receive notice of the meeting.

Interpretation

67.—(1) In this section, "related person" means,

(*a*) any spouse, son or daughter of that person;

(*b*) any relative of such person or of his spouse, other than a relative referred to in clause *a*, who has the same home as such person; or

(*c*) any body corporate of which such person and any of the persons referred to in clause *a* or *b* or the partner or employer of such person, either alone or in combination, beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of the body corporate for the time being outstanding.

Who may be auditor

(2) An auditor of a registered corporation shall be an accountant.

Persons disqualified as auditors

(3) No person shall be appointed auditor of a registered corporation if he or any member of his firm is a shareholder, director, officer or employee of such corporation, or of any company in which such corporation has invested its funds under section 138*a* or 140*a*.

Auditor appointment

(4) A registered corporation shall, where possible, cause its auditor or one of its auditors to be appointed auditor of any company in which such corporation has invested its funds under section 138*a* or 140*a* and where such appointment is not possible the corporation shall inform the Registrar of the circumstances that prevent such appointment.

Application of subs. 3

(5) Subsection 3 does not apply to a person, partner, employer or related person who is not empowered to

decide whether securities of the registered corporation or its holding company, as the case may be, are to be beneficially owned, directly or indirectly, by him, or if he is not entitled to vote in respect thereof.

Idem

(6) Where, on the date this section comes into force, an auditor or his partner, employer or related person owns securities as set out in subsection 3, notwithstanding subsection 3, he may for a period of two years from the date this section comes into force continue to act as auditor if he discloses in the report required under subsection 2 of section 68 that he or his partner, employer or related person so owns such securities but, at the expiration of such period he shall cease to act as auditor unless he or his partner, employer or related person, as the case may be, has disposed of such securities.

Auditors not to be appointed receivers, etc.

(7) No person shall be appointed a receiver or a receiver and manager or liquidator of any registered corporation of which he or a related person is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator.

Trustee in bankruptcy not to be appointed auditor R.S.C. 1952, c. 14

(8) No person who is appointed a trustee of the estate of a registered corporation under the *Bankruptcy Act* (Canada) or a related person shall be appointed or act as auditor of the registered corporation.

Auditor's examination

68.—(1) The auditor shall make such examination as will enable him to make the reports required under subsection 2.

Auditor's reports

(2) The auditor of a registered corporation shall make reports,

(*a*) to the shareholders on the financial statement of the corporation referred to in sections 20 and 69; and

(*b*) to the Registrar on the annual statement filed with the Registrar under section 152.

Idem

(3) In the reports required by subsection 2, the auditor shall state,

(*a*) whether he has obtained all the information and explanations he has required;

(*b*) whether in the opinion of the auditor the financial statement presents fairly the financial position of the corporation as at the date of the balance sheet included therein and the results of the operations of the corporation for the financial period ended on that date; and

(*c*) whether the financial statements are in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any,

in accordance with the information he has obtained and the explanations given to him and as shown by the books of the corporation.

Qualified report

(4) When the opinion expressed in a statement under subsection 2 is not an unqualified opinion, the auditor shall state in his report the reasons therefor.

Facts discovered after statement

(5) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual general meeting of shareholders, would have required a material adjustment to the financial statement presented to such meetings, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

Amendment of auditor's report

(6) On the receipt of facts furnished under subsection 5 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 4 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the shareholders.

Auditor's statement

(7) The auditor in his reports shall make such statements as he considers necessary,

(*a*) if the corporation's financial statement or annual statement is not in agreement with its accounting records;

(*b*) if the corporation's financial statement or annual statement is not in accordance with

any requirements of this Act or as prescribed by the Registrar; or

(*c*) if proper accounting records have not been kept so far as appears from his examination.

Right of access, etc.

(8) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of the corporation and is entitled to require from the directors, officers and employees of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

Idem

(9) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the corporation and is entitled to require from the directors, officers and employees of each such subsidiary such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

Idem

(10) Where a subsidiary of the corporation is a body corporate to which this Act does not apply, the holding corporation shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary, and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanations required by subsection 8.

Auditor's right to attend meetings

(11) The auditor of a corporation is entitled to attend any meeting of the shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor.

Shareholder may require auditor's attendance at shareholders meetings

(12) Any shareholder of a corporation, whether or not he is entitled to vote at meetings of shareholders, may, by notice in writing to the corporation given five days or more before any meeting of shareholders, require the attendance of the auditor at such meeting at the corporation's expense, and in such event the auditor shall attend the meeting.

Auditor may attend shareholders meetings

(13) At any meeting of shareholders the auditor, if present, shall answer inquiries directed to him concerning the

basis upon which he formed the opinion stated in the report made under subsection 2.

Registrar may enlarge scope

(14) The Registrar may direct that the scope of the annual audit of a corporation be enlarged or extended and may appoint for such purpose an accountant as an auditor of the corporation and the expenses incurred by reason of such appointment are payable by the corporation.

Annual financial statement

69.—(1) The directors shall lay before each annual meeting of shareholders,

(*a*) a financial statement for the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, made up of,

(i) a statement of profit and loss for such period,

(ii) a statement of retained earnings, or surplus for such period,

(iii) a statement of general reserve,

(iv) a statement of accumulated reserves for investments,

(v) a balance sheet as at the end of such period,

and if the Registrar so directs, showing in each case the corresponding figures for the last preceding financial period of the corporation;

(*b*) the report of the auditor to the shareholders;

(*c*) such further information respecting the financial position of the corporation, as its letters patent, supplementary letters patent, or by-laws, require.

Form

(2) The Lieutenant Governor in Council may make regulations prescribing the form and content of the financial statement required under subsection 1.

(3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection at the meeting by any shareholder. Auditor's report to be read

(4) The financial statement shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report shall be attached to or accompany the financial statement. Approval by directors

(5) A corporation shall, at least ten days before the date of the annual meeting of the shareholders, send by prepaid mail to each shareholder entitled to notice of the meeting at his latest address shown on the records of the corporation a copy of the financial statement and a copy of the auditor's report. Copy to shareholders

(6) A copy of the financial statement and auditor's report shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same. Copy to debenture holders

16. Section 70 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 70, re-enacted

70. Sections 71 to 76 apply to every loan corporation incorporated under the law of Ontario or having its head office in Ontario and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations. Application of ss. 71-76

70*a*.—(1) The directors of a corporation shall elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three directors, of whom the majority shall not be officers or employees of the corporation or an affiliate of the corporation, to hold office until the next annual meeting of the shareholders. Audit committee

(2) The members of the audit committee shall elect a chairman from among their number. Chairman

(3) The corporation shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors. Review

Hearing of auditor

(4) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Idem

(5) Upon the request of the auditor, the chairman of the audit committee shall convene a meeting of the committee to consider any matter the auditor believes should be brought to the attention of the directors or shareholders.

R.S.O. 1960, c. 222, s. 71, re-enacted

17.—(1) Section 71 of *The Loan and Trust Corporations Act*, as amended by section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Amount of capital subscribed and paid in before borrowing

71.—(1) No loan corporation shall exercise any of the borrowing powers conferred by this Act unless and until it has a capital paid in and unimpaired of at least $1,000,000.

Borrowing powers

(2) Subject to the qualifications, limitations and restrictions contained in this Act, a registered loan corporation, if authorized by by-law, may,

(*a*) borrow money by way of loan or on deposit at such rates of interest and upon such terms as the directors may from time to time determine;

(*b*) issue debentures, bonds and other securities to evidence any such borrowing; and

(*c*) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the corporation present or future, including book debts and unpaid calls, rights, powers, franchises and undertaking, to secure any such debentures, bonds or other securities or any money borrowed.

Confirming by-law

(3) No by-law for any of the purposes mentioned in subsection 2 takes effect unless such by-law,

(*a*) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the corporation duly called to consider such by-law; or

SECTIONS 17 and 18. The amendments define more exactly the borrowing powers of loan corporations and the procedures and restrictions on amounts that may be borrowed.

SECTION 19. The liquidity requirements for reserves for deposits with loan corporations are altered by permitting deposits in an approved depository other than chartered banks and removing municipal bonds from the required reserve.

(*b*) has been passed by the directors and confirmed at a general meeting of the shareholders of the corporation duly called to consider such by-law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

(2) Subsection 1 does not apply to a loan corporation that was registered before the 1st day of January, 1968. Application of subs. 1

18. Sections 72 and 73 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 222, ss. 72, 73, re-enacted

72. Subject to the terms and conditions of any charge, mortgage, hypothec or pledge given by a registered loan corporation to secure any particular borrowing, the holders of deposits and the holders of debentures, bonds or other securities rank *pari passu* on the assets of such corporation and are ordinary creditors thereof. Ranking of holders of deposits and debentures

73. Debentures, bonds or other securities of a registered loan corporation shall, Denomination and term of debentures

(*a*) be for such individual amounts not less than $100;

(*b*) be payable in such currency and at such place;

(*c*) mature on such date not less than one year from the date of issue thereof;

(*d*) bear such rate of interest; and

(*e*) in all other respects be in such form and terms,

as the directors of the corporation shall from time to time determine.

19.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 74 of *The Loan and Trust Corporations Act*, as re-enacted by section 6 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 3 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 74, (1966 c. 81, s. 6), subs. 1, cls *a*, *b*, *c*, re-enacted

(*a*) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;

(*b*) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;

(*c*) loans payable on demand and fully secured by securities referred to in clause *b*; and

. . . . .

R.S.O. 1960, c. 222, s. 74 (1966, c. 81, s. 6), subs. 2, cls. *a*, *b*, re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 74 are repealed and the following substituted therefor:

(*a*) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and

(*b*) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks, or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

R.S.O. 1960, c. 222, s. 75, re-enacted

20. Section 75 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor:

Limit on borrowing

75. The total amount borrowed by a registered loan corporation, by way of the issue of debentures, bonds or other securities and by way of deposits shall not at any time exceed an amount equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

(*a*) increase the total amount that may be borrowed by such corporation to an amount not exceeding twenty times the aggregate of such unimpaired capital and reserve; and

SECTION 20. The maximum borrowing by loan corporations, with the approval of the Lieutenant Governor in Council, is increased from fifteen times its unimpaired capital and reserve to twenty times its unimpaired capital and reserve.

SECTION 21. Provision is made for the regulation of pooled trust funds.

(*b*) prescribe the portion of the total amount that may be borrowed by such corporation that may be borrowed by way of deposits.

21. *The Loan and Trust Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 222 amended

78*a*.—(1) In this section, "pooled trust fund" means a trust fund maintained or operated by a trust company in which moneys belonging to various participants are combined for the purpose of investment and entitling the participant to receive on demand, or after a specified period after demand, an amount computed by reference to the value of a proportionate interest in the assets of such trust fund, but does not include a trust fund operated where participation is limited to less than fifty persons. Pooled trust fund defined

(2) The assets of a pooled trust fund shall be held and managed in trust under a trust document for the purpose that complies with the regulations made under subsection 8. Trust document

(3) No trust company shall offer to any person, units or other interests in a pooled trust fund until there has been filed with the Registrar the form of the documents evidencing the trust and such other material as to the reporting to participants, advertising, and training of personnel as the Registrar requires in respect of such offering and a receipt therefor has been obtained from the Registrar. Filing of trust document

(4) The Registrar may, when in his opinion such action is in the public interest, require a trust company to file with him an information folder in the form prescribed by the regulations with respect to a pooled trust fund and no application or moneys for participation in the pooled trust fund shall be received by the trust company from a prospective purchaser until the trust company has delivered to the prospective purchaser a copy of the information folder that has been filed and the trust company shall obtain from each prospective purchaser with his application a statement in writing acknowledging that he has received a copy of the information folder. Information folder and delivery to prospective purchaser

(5) The information folder shall provide brief and plain disclosure of all material facts relating to the pooled trust fund, shall comply as to form and content with the requirements of the regulations and shall be Form of information folder

so certified by the president, vice-president, or managing director or other director appointed for such purpose and by the secretary or manager of the trust company.

New information folders

(6) A trust company that has filed an information folder in respect of a pooled trust fund shall, as long as the trust company continues to offer participation in the pooled trust fund, file with the Registrar, a copy of a new information folder in respect of its contracts,

(*a*) forthwith upon any material changes in any facts set out in the information folder filed in respect of such pooled trust fund; and

(*b*) within one year and one month after the date of the latest information folder filed with the Registrar in respect of such pooled trust fund.

Prohibition order

(7) When it appears to the Registrar that,

(*a*) the information folder, or any other document filed with the Registrar by a trust company under this Act or the regulations,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it is made; or

(*b*) the condition or method of operation of the trust company in connection with its pooled trust fund will render its operations hazardous to the public or to its participants in Ontario,

the Registrar shall report the same to the Minister and the Minister, if he concurs in the report and after hearing the trust company, may order the Registrar to prohibit the trust company from continuing to offer participation in such pooled trust fund.

SECTIONS 22, 23, 24 and 25. The amendments make changes for trust companies corresponding to the changes made for loan corporations by sections 19 and 20 of this Bill.

(8) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing the form and content of the trust instrument establishing a pooled trust fund;

(*b*) prescribing investment restrictions and reserves in respect of pooled trust funds;

(*c*) prescribing the form and content of information folders;

(*d*) prescribing the qualifications and training of persons who may sell interests in pooled trust funds;

(*e*) governing the furnishing of information and advertising to the public in connection with a pooled trust fund;

(*f*) requiring trust companies to furnish the Registrar with such information, returns and reports respecting pooled trust funds as is prescribed.

22. Section 79 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 79, re-enacted

79.—(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures. Trust companies not to borrow by accepting deposits

(2) A provincial trust company may borrow money and charge, mortgage, hypothecate or pledge all or any of the real or personal property, present or future, of the company other than property deemed by this Act to be held by the company as trustee or received for investment under sections 80 and 82, to secure any moneys so borrowed. Trust companies may borrow on its own funds

23. Section 81 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 81, repealed

24. Section 82*a* of *The Loan and Trust Corporations Act*, as enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 82*a* (1965, c. 61, s. 2), re-enacted

82*a*.—(1) The total of the moneys received by a registered trust company as deposits under section 80 and for investment under section 82 or borrowed under section 79 shall not at any time exceed an amount Limit on guaranteed funds

equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

(*a*) increase the total amount that may be so received by such company to an amount not exceeding twenty times the aggregate of such capital and reserve; and

(*b*) prescribe the portion of the total amount that may be so received or borrowed by such company that may be received by way of deposits.

Deduction to be made in estimating the paid in capital

(2) In ascertaining the amounts that may be received or borrowed by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the unimpaired capital.

Pledge of securities to Canada Deposit Insurance Corporation

82*b*. Notwithstanding anything in this Act, a trust company may, with the approval of the Registrar, hypothecate, mortgage or pledge the cash and securities ear-marked and set aside under sections 80 and 81 of this Act to the Canada Deposit Insurance Corporation for a loan from that Corporation.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 1, cls. *a*, *b*, *c*, re-enacted

25.—(1) Clauses *a*, *b*, and *c* of subsection 1 of section 84 of *The Loan and Trust Corporations Act*, as re-enacted by section 7 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor:

(*a*) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;

(*b*) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;

(*c*) loans payable on demand and fully secured by securities referred to in clause *b*.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 2, cls *a*, *b* re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 84 are repealed and the following substituted therefor:

SECTION 26. Complementary to section 1 of this Bill.

SECTION 27. The amendment defines more exactly the requirements for confirmation by shareholders of agreements providing for the amalgamation of loan and trust corporations and the purchase of the assets of one corporation by another.

(*a*) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and

(*b*) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

26. Subsection 1 of section 97 of *The Loan and Trust Corporations Act* is amended by striking out "or loaning land corporation" in the first and second lines and in the fourth line, so that the subsection shall read as follows: R.S.O. 1960, c. 222, s. 97, subs. 1, amended

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase. Power to unite with other corporations and to purchase or sell assets

27. Section 99 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 99, re-enacted

99. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and the agreement or offer is ratified or accepted by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting, that fact shall be certified upon the agreement or offer by the secretary or manager of each corporation under the seal of such corporation. Proceedings to ratify agreement

R.S.O. 1960, c. 222, s. 102, subs. 5, repealed

28. Subsection 5 of section 102 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 105, subss. 2, 3, 4, re-enacted

29.—(1) Subsections 2, 3 and 4 of section 105 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Business and property vested in amalgamated corporation

(2) From the date of the assent, all the business and real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages and other securities, subscriptions and other debts due, and other things in action belonging to each of the amalgamating corporations are vested in the amalgamated corporation without further act or deed.

Creditors' rights

(3) All rights of creditors and liens upon the property of each of the amalgamating corporations are unimpaired by the amalgamation.

Debts and liabilities

(4) All debts, liabilities and duties of each of the amalgamating corporations attach to the amalgamated corporation from the date of the assent and may be enforced against it to the same extent as if they had been incurred or contracted by it.

R.S.O. 1960, c. 222, s. 105, subs. 5 (1960-61, c. 48, s. 2, subs. 2), re-enacted

(2) Subsection 5 of the said section 105, as enacted by subsection 2 of section 2 of *The Loan and Trust Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Charter

(5) Where the amalgamated corporation is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated corporation a charter, as at the date of the assent, confirming the amalgamation agreement and continuing the amalgamated corporation as if it had been incorporated under this Act.

To permit continuation of amalgamated company under another jurisdiction

(6) Where the amalgamated corporation is to continue as other than a provincial corporation and one or more, but not all, parties to the amalgamation agreement are provincial corporations, the parties to the amalgamation agreement may apply to the proper officer of the jurisdiction of continuation specified in the amalgamation agreement for an instrument amalgamating and continuing them as an amalgamated corporation under the laws of that jurisdiction and as incidental thereto a provincial corporation may apply for letters patent or other instrument continuing it as if it had been incorporated under the laws of that jurisdiction.

SECTION 28. The provision repealed prescribes a fee for registration of a certificate of amalgamation. The fee is provided for under the registration sections.

SECTION 29. The amendment defines more exactly the effect of an amalgamation of loan and trust corporations and provides for the trans-jurisdictional amalgamation of provincial and federal corporations.

SECTION 30. The amendment clarifies the provisions for the acquisition by a loan corporation of the business and assets of another loan corporation by means of a purchase of shares.

30. Subsection 1 of section 106 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 106, subs. 1 re-enacted

(1) In addition to its powers under section 97, a registered loan corporation may, for the purpose of either acquiring the assets of any other loan corporation in Canada or uniting, merging or amalgamating with any such corporation under sections 97 to 105, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following: Acquisition or amalgamation by registered loan corporation by purchase of shares

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,

(*a*) an offer to purchase has been accepted,

(i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation, or

(ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such corporation at a general meeting of the shareholders thereof; and

(*b*) the purchase has been submitted to a general meeting of the shareholders of the purchasing corporation at which the holders of at least 50 per cent of the issued shares of such corporation for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this section is in addition to the powers set forth

in section 137, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a corporation has purchased shares under this section, it shall within a period of two years after the purchase has been authorized by the Lieutenant Governor in Council proceed under sections 97 to 105 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other corporation, but the Lieutenant Governor in Council, on being satisfied that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister, and the Registrar may direct the corporation to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960, c. 222, s. 108, subs. 1 re-enacted

31. Subsection 1 of section 108 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Acquisition or amalgamation by registered trust company by purchase of shares

(1) In addition to its powers under section 107, a registered trust company may, for the purpose of either acquiring the assets of any corporation in Canada or uniting, merging or amalgamating with any other trust company in Canada under section 107, purchase not less than 67 per cent of the outstanding shares of any such corporation or trust company, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,

(*a*) an offer to purchase has been accepted,

(i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation or trust company, or

SECTION 31. Corresponds to section 30 of this Bill but applies to trust companies.

(ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such other corporation or trust company at a general meeting of the shareholders thereof; and

(*b*) the purchase has been submitted to a general meeting of the shareholders of the registered trust company at which the holders of at least 50 per cent of the issued shares of such company for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 139, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a trust company has purchased shares under this section it shall within a period of two years after such purchase has been authorized by the Lieutenant Governor in Council proceed under section 107 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other trust company, but the Lieutenant Governor in Council, on being satisfied, that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing trust company in the annual report prepared by the Registrar for the Minister, and the Registrar may direct such trust company to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960, c. 222, s. 109, subs. 3, re-enacted

32. Subsection 3 of section 109 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Protection from personal liability

(3) No action or other proceeding for damages shall be instituted against the Registrar or assistant registrar, or anyone acting under the authority of the Registrar or assistant registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

R.S.O. 1960, c. 222 s. 111, subs. 1, amended

33. Subsection 1 of section 111 of *The Loan and Trust Corporations Act* is amended by adding "and" at the end of clause *a* and by striking out clause *b*.

R.S.O. 1960, c. 222, s. 114, subs. 3, re-enacted

34.—(1) Subsection 3 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Special audits

(3) Where,

(*a*) a corporation is three months in default in the delivery of the annual statement required by section 152; or

(*b*) for eighteen consecutive months there has been no audit of the books and accounts of the corporation; or

(*c*) there is filed with the Registrar a requisition for audit bearing the signatures and addresses of at least twenty-five shareholders of the corporation holding shares upon which not less than $10,000 in the aggregate has been paid in, alleging specific fraudulent or illegal acts or repudiation of contracts or alleging that the accounts of the corporation have been materially and wilfully falsified and accompanied by a deposit of $1,000 or such other sum as the Registrar fixes as security for the cost of the audit,

the Registrar may appoint an accountant who shall under his direction make a special audit of the books, accounts and securities of the corporation and make to the Registrar a written report thereon.

SECTION 32. The provision protecting the Registrar and assistant registrar from civil liability is written in the form contained in other statutes administered by the Department of Financial and Commercial Affairs.

SECTION 33. Complementary to section 1 of this Bill.

SECTION 34—Subsections 1 and 3. The provision under which the Registrar can conduct his own audit is revised.

Subsection 2. Complementary to section 15 of this Bill.

SECTION 35. The provision repealed permits the Dominion Mortgage Investments Association to require the appointment by the Minister of an examiner under section 115 of the Act. That Association is no longer in existence.

SECTION 36. The amendment defines more exactly the duty of officers of corporations to furnish information to the Registrar on his request.

(2) Subsection 8 of the said section 114 is amended by striking out "66" in the fifth line and inserting in lieu thereof "68". R.S.O. 1960, c. 122, s. 114, subs. 8, amended

(3) Subsections 9 and 10 of the said section 114 are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 114, subss. 9, 10, re-enacted

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts or repudiation of contracts or that the accounts of the corporation have been materially and wilfully falsified, he shall notify the corporation accordingly and furnish to it a copy of the report and the corporation shall within two weeks thereafter file a statement with the Registrar replying to such report. Report of special auditor

(10) Upon consideration of the report and the corporation's statement in reply and such further evidence, documentary or oral, as he may require, the Registrar shall by a decision in writing continue, suspend or cancel the registry of the corporation or impose such terms or conditions upon the registry of the corporation, as he considers appropriate. Registrar's decision

35. Subsection 8 of section 115 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 115, subs. 8, repealed

36. Section 117*a* of *The Loan and Trust Corporations Act*, as enacted by section 8 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 117*a*, (1966, c. 81, s. 8), re-enacted

117*a*.—(1) The Registrar may address any inquiries to a registered corporation or to the president, manager or secretary thereof for the purpose of ascertaining its condition and ability to meet its obligations or as to the conduct of its business and it is the duty of any corporation or officer so addressed to reply promptly in writing to any such inquiry. Inquires by Registrar

(2) The Registrar may require a corporation to forward a copy of any letter addressed to the corporation by the Registrar and any answer thereto to each director of the corporation and upon such requirement being made the president of the board of directors shall instruct the secretary of the corporation to include a copy of such letter and the answer thereto in the minutes of the meeting of the directors next following the requirement of the Registrar. Notice to directors

Answers may be included in Registrar's annual report

(3) The Registrar may, in his discretion, embody in his annual report to the Minister the inquiries and requirement made by him under this section and the answers thereto.

R.S.O. 1960, c. 222, amended

37. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections:

Assets not accounted for

118*a*.—(1) Where it comes to the attention of the Registrar that a provincial corporation may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Registrar is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such corporation and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section 118*b*.

Release of assets

(2) The Registrar may release any assets under his possession and control that he considers advisable for the purposes of the corporation.

Report to Minister

118*b*.—(1) Where the Registrar is of the opinion that the assets of a provincial corporation are not sufficient to meet its liabilities in respect of moneys received in trust or borrowed he shall so report to the Minister.

Remedial powers of the Minister

(2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Registrar under subsection 1, the Minister may do one or both of the following,

(*a*) make the corporation's registry subject to such limitations or conditions as he considers appropriate;

(*b*) prescribe a time within which the corporation shall make good any deficiency of assets.

Subsequent action

(3) If the corporation fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension

SECTION 37. The new provisions enable the Registrar to take control of a provincial corporation, under certain conditions, to determine the degree of its financial difficulties and, if necessary, to manage it for rehabilitation purposes.

thereof subsequently given by the Minister, the Minister shall submit the report of the Registrar to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Registrar to take possession and control of the assets of the corporation and the Registrar shall deliver a copy of the order to an officer of the corporation.

Appointment of appraisers

(4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of Registrar upon taking control

118*c*.—(1) If so ordered by the Lieutenant Governor in Council under section 118*b*, the Registrar shall take possession and control of the assets of a provincial corporation and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Registrar has all the powers of the board of directors of the corporation, and, without limiting the generality of the foregoing, the Registrar may,

(*a*) exclude the directors, officers, servants and agents of the corporation from the premises, property and business of the corporation; and

(*b*) carry on, manage and conduct the operations of the corporation and in the name of the the corporation preserve, maintain, realize, dispose of and add to the property of the corporation, receive the incomes and revenues of the corporation and exercise all the powers of the corporation.

Application to court

(2) While the Registrar has possession and control of the assets of a corporation under this section, the Minister may direct the Registrar to apply to the court for an order for the winding up of the corporation under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

Appointment of managers

(3) Where the Registrar is in possession and control of the assets of a corporation and is conducting its business, he may appoint one or more persons to manage and operate the business of the corporation, and,

(*a*) each person so appointed is a representative of the Registrar; and

(*b*) the remuneration of any such person, other than an employee of the office of the Registrar, shall be fixed by the Minister.

Relinquishing control

(4) Whenever the Minister believes that a corporation, the assets of which are in the possession and control of the Registrar, meets all the requirements of this Act and that it is otherwise proper for the corporation to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Where rehabilitation efforts futile

(5) If the Minister, on the report of the Registrar, considers that further efforts to rehabilitate a corporation, the assets of which are in the possession and control of the Registrar, would be futile, he may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Expenses of proceedings

(6) The expenses of the Registrar incurred in rehabilitation proceedings under this section and sections 118*a* and 118*b* shall be paid,

(*a*) where the corporation that is the subject of the proceedings is a loan corporation, by all loan corporations; or

(*b*) where the corporation that is the subject of the proceedings is a trust company, by all trust companies,

and the share of each shall be in the same proportion as its total net income earned in Ontario in its last preceding fiscal year bears to the total net income earned in Ontario of all loan corporations or trust companies, as the case may be, in the last preceding fiscal year of each.

Advisory committee

(7) The corporations required to bear the said expenses of the Registrar may appoint a committee of not more than six members to advise the Registrar in

respect of all matters pertinent to the rehabilitation of the corporation whose assets are in the possession and control of the Registrar.

Appeal

118*d*.—(1) Notwithstanding section 118*c*, a provincial corporation may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section 118*b* within thirty days after the delivery of a copy of the order to an officer of the provincial corporation, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

(2) An order of the Lieutenant Governor in Council under section 118*b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material on appeal

(3) The Minister shall certify to the Registrar of the Supreme Court,

(*a*) the decision of the Lieutenant Governor in Council;

(*b*) the reports of the Registrar to the Minister or the Lieutenant Governor in Council;

(*c*) the record of any hearing; and

(*d*) all written submissions by the appellant to the Registrar, the Minister or the Lieutenant Governor in Council.

Representation

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Order

(5) Where an appeal is taken under this section, the judge may by order direct the Registrar to take such action as the judge considers proper or refrain from taking any action specified in the order and the Registrar shall act accordingly.

Further decision

(6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section.

R.S.O. 1960, c. 222, s. 123, subs. 1, amended

38.—(1) Subsection 1 of section 123 of *The Loan and Trust Corporations Act* is amended by striking out "and loaning land corporations" in the fifth line, so that the subsection, exclusive of the paragraphs, shall read as follows:

What admissible to registry

(1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

. . . . .

R.S.O. 1960, c. 222, s. 123, subs. 3, re-enacted

(2) Subsection 3 of the said section 123 is repealed and the following substituted therefor:

Registry on terms

(3) Upon the application for registration of a corporation, other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he prescribes.

R.S.O. 1960, c. 122, s. 128, repealed

39. Section 128 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 133, subs. 1, amended

40. Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out "or of a loaning land corporation" in the fourth and fifth lines, so that the subsection shall read as follows:

No unregistered corporation to undertake business

(1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation or of a trust company.

R.S.O. 1960, c. 122, s. 137, subs. 1, re-enacted

41.—(1) Subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as amended by section 3 of *The Loan and Trust Corporations Amendment Act, 1960-61*, subsections 1, 2 and 3 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965*, and subsection 1 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Mortgages

(1) A registered loan corporation may purchase or invest in,

SECTION 38—Subsection 1. Complementary to section 1 of this Bill.

Subsection 2. The amendment requires approval and authorizes the imposition of conditions in respect of corporations incorporated outside Ontario and applying for registration.

SECTION 39. The provision repealed prohibits terminating shares to which all reference in the Act is deleted.

SECTION 40. Complementary to section 1 of this Bill.

SECTIONS 41, 42, 43 and 44. The investment provisions for loan and trust corporations are amended to bring them into accordance with the corresponding provisions applicable to federally incorporated loan and trust corporations.

(*a*) ground rents, mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold to which the mortgage, charge or hypothec relates; mortgages

(*b*) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); N.H.A. mortgages 1953-54 c. 23 (Can.)

(*c*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest if the excess is guaranteed or insured by or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada) or *The Insurance Act* or similar legislation of any province or territory of Canada; insured mortgages R.S.C. 1952, cc. 31, 125 R.S.O. 1960, c. 190

(*d*) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer; mortgages and assignments of life insurance policies

Government bonds

(*e*) the debentures, bonds, stock or other securities of or guaranteed by the Government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of Her Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada or elsewhere where the corporation is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectable by the municipalities in which the property is situated;

bonds, etc., issued or guaranteed by the International Bank, etc.

(*f*) the bonds, debentures or other securities issued or guaranteed by,

(i) the International Bank for Reconstruction and Development,

(ii) Inter-American Development Bank or by Asian Development Bank, or

(iii) the government of any country in which the corporation is carrying on business or a province or state thereof;

bonds secured by trust deed

(*g*) the bonds, debentures, debenture stock, notes or other securities of any company that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or other assets of such company of the classes mentioned in clauses *a*, *b*, *c*, *d* and *e*;

federal subsidy bonds

(*h*) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that the Government

of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

provincial subsidy bonds

(*i*) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

transportation equipment security

(*j*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the company;

debentures

(*k*) the bonds, debentures or other evidences of indebtedness of or guaranteed by,

(i) any company if, at the date of investment, the preferred shares or the common shares of the company are authorized as investments by clause *l* or *m*, or

(ii) any company where the earnings of the company in a period of five years ending less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least 1½ times the annual interest requirements at the date of investment on all indebtedness

of or guaranteed by it other than indebtedness classified as a current liability in the balance sheet of the company, and if the company at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another company, the earnings of the companies during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the companies shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the company; and for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

preferred shares

(*l*) the preferred shares of a company where the company has paid,

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) if the common shares of the company are, at the date of investment, authorized as investments by clause *m*;

common shares

(*m*) the fully paid common shares of a company that during a period of five years that ended less than one year before the date of purchase or investment has either,

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the company during the year

in which the dividend was paid or in which the company had earnings available for the payment of dividends, as the case may be;

(*n*) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if, real estate for the production of income

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government of the country in which the real estate or leasehold is situated, or of a province, state or municipality of that country, or

(B) a company, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) the total investment of the corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

(iv) the book value of the investments of the corporation in real estate or leaseholds for the production of income under this clause and clause *o* do not exceed 10 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

other real estate for the production of income

(*o*) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if,

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of a corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold; but the book value of the investments of the corporation in real estate or leaseholds for the production of income and subject to subclause iv of clause *n* shall not exceed 5 per cent of the book value of the total assets of the corporation;

guaranteed investment certificates of trust companies

(*p*) guaranteed investment certificates of a trust company incorporated in Canada, if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *l* or *m*.

(2) Subsection 2 of the said section 137 is amended by striking out "or a registered loaning land corporation" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 222, s. 137, subs. 2, amended

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. Investment in national housing R.S.C. 1952, c. 188; 1953-54, c. 23 (Can.)

(3) Subsection 3 of the said section 137, as amended by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 3 and 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965* and subsection 2 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 137, subs. 3, re-enacted

(3) A registered loan corporation may lend money on the security of, Loans on securities by loan corporations

(*a*) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1;

(*b*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan shall not exceed three-quarters of the value of the real estate or leasehold;

(*c*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); 1953-54 c. 23 (Can.)

(*d*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

R.S.C. 1952, cc. 31, 125

R.S.O. 1960, c. 190

(*e*) the bonds, debentures, notes, shares or other securities mentioned in clause *f*, *h*, *i*, *j*, *k*, *l*, *m* or *p* of subsection 1, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan and if also the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

Special guaranteed loans

1964-65 c. 24 (Can.)

R.S.C. 1952, c. 110

1955 c. 46 (Can.)

1960-61 c. 5 (Can.)

(4) If a registered loan corporation is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada), the corporation may make guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

R.S.O. 1960, c. 122, s. 138, re-enacted

42. Section 138 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

"Basket clause" for loan corporations

138. A registered loan corporation may make investments and loans not authorized by section 137 and not prohibited by any other section, subject to the following provisions,

(*a*) investments in real estate or leaseholds under this section shall be made only for the pro-

duction of income, and may be made by the corporation in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the corporation may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a corporation under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the corporation;

(*b*) the total book value of the investments and loans made under this section and held by the corporation, excluding those that are, or at any time since acquisition have been, authorized as investments apart from this section, shall not exceed the larger of,

(i) 15 per cent of the corporation's unimpaired capital and reserve, or

(ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the book value of the total assets of the corporation; and

(*c*) this section shall be deemed not to,

(i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii) affect the operation of clause *e* of subsection 3 of section 137 as to the amount that may be loaned on the security of the shares of any one company.

Power of loan corporations to invest in shares of certain companies

138*a*. Notwithstanding anything in section 137 or 142, a registered loan corporation may invest its funds in the fully paid shares of,

(*a*) any company incorporated outside Canada to exercise the powers that a loan corporation incorporated in Ontario possesses;

(*b*) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or to act as agent in the sale or purchase of real estate or leaseholds;

(*c*) any company incorporated to offer public participation in an investment portfolio;

(*d*) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services; or

(*e*) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a loan corporation,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960, c. 122, s. 139, re-enacted

43. Section 139 of *The Loan and Trust Corporations Act*, as amended by section 4 of *The Loan and Trust Corporations Amendment Act, 1960-61*, section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, section 5 of *The Loan and Trust Corporations Amendment Act, 1965* and section 11 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Investments by trust companies

139.—(1) A registered trust company may invest its own funds and moneys received for guaranteed investment or as deposits in any of the investments mentioned in subsection 1 of section 137, except that at all times at least 50 per cent of moneys received for guaranteed investment or as deposits shall be invested in or loaned upon such securities only as are authorized for trustees by section 26 of *The Trustee Act*.

R.S.O. 1960, c. 408

Restriction on amounts of investment in real estate

(2) The total book value of the investments of a registered trust company in real estate or leaseholds for the production of income under clause *n* of subsection 1 of section 137, shall not exceed in the case of its own funds 10 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as deposits, 10 per cent of such moneys and under clause *o* of subsection 1 of section 137, shall not exceed in the case of its own funds 5 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as

deposits 5 per cent of such moneys or 25 per cent of the unimpaired capital and reserve of the company, whichever is the greater, but the total amount invested under clauses *n* and *o* shall not exceed the maximum amount provided in clause *n*; and the amount so invested in any one parcel of real estate or leaseholds for the production of income shall not exceed 2 per cent of the aggregate of the total assets of the corporation and the moneys received by it for guaranteed investment or as deposits.

Investments in national housing

(3) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate under the *National Housing Act, 1954* (Canada) or any predecessor thereof, a registered trust company may invest its own funds to an aggregate amount not exceeding 5 per cent of its unimpaired capital and reserve and may, notwithstanding subsection 1, invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding 5 per cent of such moneys in any other classes or types of investments pursuant to the said Act, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

1953-54 c. 23 (Can.)

Loans by registered trust companies

(4) Subject to subsection 1, a registered trust company may lend its own funds and moneys received for guaranteed investment or as deposits on the security of,

(*a*) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1 of section 137;

(*b*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold;

(*c*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value

of the real estate or leasehold, where the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada);

1953-54 c. 23 (Can.)

(*d*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the company is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the company is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

R.S.C. 1952, cc. 31, 125

R.S.O. 1960, c. 190

(*e*) the bonds, debentures, notes, shares or other securities mentioned in clause *f*, *h*, *i*, *j*, *k*, *l*, *m* or *p* of subsection 1 of section 137, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan, and if the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

Loans by trust companies

(5) If a registered trust company is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada), it may lend its own funds and moneys received for guaranteed investment or as deposits, in guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

1964-65 c. 24 (Can.)

R.S.C. 1952, c. 110
1955, c. 46 (Can.)

R.S.O. 1960, c. 222, s. 140, re-enacted

44. Section 140 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

"Basket clause" for registered trust companies

140. A registered trust company may, with respect to its own funds and with respect to moneys received for guaranteed investment or as deposits, make investments and loans not authorized by section 139 and not prohibited by any other section, subject to the following provisions,

(*a*) investments in real estate or leaseholds under this section shall be made only for the production of income, and may be made by the company in Canada or in any country in which the company is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits;

(*b*) the total book value of the investments and loans made under this section and held by the company, excluding those that are or at any time since acquisition have been authorized as investments apart from this section, shall not exceed the larger of,

(i) 15 per cent of the company's unimpaired capital and reserve, or

(ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits; and

(*c*) this section shall be deemed not to,

(i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii) affect the operation of subsections 1 and 2 of section 139 or the operation of clause *e* of subsection 4 of section 139 as to the amount which may be loaned on the security of the shares of any one company.

Power of registered trust companies to invest in shares of certain companies

140*a*. Notwithstanding anything in section 139 or 142, a registered trust company may invest its own funds in the fully paid shares of,

(*a*) any company incorporated outside Canada to exercise the powers set forth in section 77;

(*b*) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or act as agent in the sale or purchase of real estate or leaseholds;

(*c*) any company incorporated to offer public participation in an investment portfolio;

(*d*) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services;

(*e*) a loan corporation within the meaning of this Act; or

(*f*) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a trust company,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960, c. 222, s. 144, subs. 2, re-enacted

45. Subsection 2 of section 144 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Limitation of time for holding

(2) The corporation shall, subject to section 145, sell any real estate acquired by it under a mortgage, charge or hypothecation, or in satisfaction of a debt, within twelve years after it has been so acquired, otherwise it may be forfeited to Her Majesty for the use of Ontario, but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of Her Majesty to claim such forfeiture.

SECTION 45. Complementary to section 1 of this Bill.

SECTION 46. Self-explanatory.

SECTION 47. The amendment brings the reference to funds into accord with the terminology used elsewhere in the Act.

SECTION 48. The amendment extends the prohibition against loans to directors and auditors to other classes of insiders. The amendment also requires Ontario loan and trust corporations carrying on business outside Canada to retain in Canada assets at least equal to their liabilities in Canada and provide for bonding, etc.

46. Section 145 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 222, s. 145, amended

(2) The corporation may acquire, hold, sell or dispose of real estate acquired in connection with the relocation by the corporation of the place of employment of an employee, if the real estate serves as the residence of the employee immediately after the relocation or served as the residence of the employee immediately before the relocation but the real estate shall not be allowed as an asset of the corporation in the annual report prepared by the Registrar for the Minister if it is held for more than two years following its acquisition. Power to hold real estate on relocation of employee

47. Section 147 of *The Loan and Trust Corporations Act* is amended by striking out "paid up capital and reserve funds" in the fourth and fifth lines and inserting in lieu thereof "unimpaired paid up capital, surplus and reserves", so that the section shall read as follows: R.S.O. 1960, c. 222, s. 147, amended

147. A provincial corporation shall not make or undertake any investment under section 145 or 146 that will cause the total amount at which such investments are carried on its books to exceed 35 per cent of its unimpaired paid up capital, surplus and reserves. Limit of amount of investments in buildings

48. Section 148 of *The Loan and Trust Corporations Act*, as re-enacted by section 14 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 148 (1966, c. 81, s. 14), re-enacted

148.—(1) A corporation shall not knowingly make an investment, Prohibited investments

(*a*) by way of a loan to,

(i) a director or officer of the corporation or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the corporation;

(*b*) in a company that is a substantial shareholder of the corporation; or

(*c*) in a company in which,

(i) an individual mentioned in subclause i of clause *a*,

(ii) an individual who is a substantial shareholder of the corporation,

(iii) another corporation that is a substantial shareholder of the corporation, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

(2) The corporation shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

significant interest

(*a*) a person has a significant interest in a company, or a group of persons has a significant interest in a company, if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the company for the time being outstanding;

substantial shareholder

(*b*) a person is a substantial shareholder of a corporation, or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting

rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares;

(*c*) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing; equity share

(*d*) "investment" means, investment

(i) an investment in a company by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons, but does not include an advance or loan, whether secured or unsecured, that is made by a corporation to a company and that is merely ancillary to the main business of the corporation;

(*e*) "officer" means the president, vice-president, manager, secretary, assistant secretary, comptroller, treasurer and assistant treasurer of a corporation and any other person designated as an officer of the corporation by by-law or by resolution of the directors thereof.

(4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, shares of a company, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other company that is owned beneficially, directly or indirectly, by the first-mentioned company, that is equal to the proportion of the shares of the first-mentioned company that is owned beneficially, directly or indirectly, by that person or group of persons. "Downstream" investment

(5) Notwithstanding subsection 4, a corporation is not prohibited from making an investment in a company only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to Exception

own beneficially, equity shares of the corporation is by reason thereof deemed to own beneficially equity shares of the company.

Exemption

(6) Where any person or group of persons is a substantial shareholder of a corporation and, as a consequence thereof and of the application of this section, certain investments are prohibited for the corporation, the Minister may, on the advice of the Registrar, and on application by the corporation, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(*a*) that the decision of the corporation to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the corporation; and

(*b*) that the investment is to be made under the power granted to the corporation by sections 137, 138, 139 and 140.

Idem

(7) Any exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Assets in Canada

148*a*.—(1) A provincial corporation shall at all times retain in Canada assets at least equal to its liabilities incurred in Canada and to the moneys for which it is accountable as a trustee in Canada.

Safekeeping

(2) The custody of securities registered in the name of or held by a provincial corporation is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the corporation, as the Lieutenant Governor in Council may prescribe.

R.S.O. 1960, c. 222, s. 150, re-enacted

49. Section 150 of *The Loan and Trust Corporations Act*, as amended by section 7 of *The Loan and Trust Corporations Amendment Act, 1965* and section 15 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

SECTIONS 49 and 50. These amendments clarify the obligation of trust companies to make returns to the Registrar.

Annual return

150.—(1) Every trust company receiving deposits or receiving funds for guaranteed investment shall make a return to the Registrar on or before the 31st day of January in each year drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds and showing all securities, including loans on securities and cash, and money on deposit ear-marked and set aside as provided in subsection 2 of section 80 and subsection 3 of section 82 as such amounts stood on the 31st day of December next preceding, and stating that they were on such date so ear-marked and set aside.

Semi-annual return

(2) Every trust company shall prepare a statement in the form prescribed by the Registrar as at the last day of June and of December in each year showing the changes in investments and loans of the company during the preceding half-year.

Quarterly statement

(3) Every trust company shall prepare a statement in the form prescribed by the Registrar as at the last day of March, June, September and December in each year showing the amount of cash and securities required to be maintained under section 84 and the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days.

Verification of statements

(4) The statements mentioned in subsections 2 and 3 shall be verified by a certificate of a responsible officer of the trust company and shall be filed with the Registrar within thirty-one days after the date as at which they are made up.

R.S.O. 1960, c. 222, s. 151 (1966, c. 81, s. 16), amended

50. Section 151 of *The Loan and Trust Corporations Act*, as re-enacted by section 16 of *The Loan and Trust Corporations Amendment Act, 1966*, is amended by adding thereto the following subsections:

Semi-annual return

(2) Every loan corporation shall prepare a statement in the form prescribed by the Registrar as of the last day of June and of December in each year showing the changes in investments and loans of the corporation during the preceding half-year.

Verification

(3) The statements mentioned in subsections 1 and 2 shall be verified by a certificate of a responsible officer of the loan corporation and shall be filed with the Registrar within thirty-one days after the date as at which they are made up.

Commencement

51. This Act comes into force on the day it receives Royal Assent.

Short title

52. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1970.* (No. 2)

An Act to amend
The Loan and Trust Corporations Act

1st Reading

November 3rd, 1970

2nd Reading

November 9th, 1970

3rd Reading

MR. LAWRENCE (Carleton East)

(*Reprinted as amended by the Legal and Municipal Committee*)

BILL 221

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Loan and Trust Corporations Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 221 **1970**

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Loan and Trust Corporations Act*, as re-enacted by section 1 of *The Loan and Trust Corporations Amendment Act, 1967*, is amended by adding at the end thereof "and includes a partnership of which the members are accountants", so that the clause shall read as follows: R.S.O. 1960, c. 222, s. 1, cl. *a* (1967, c. 49, s. 1), amended

(*a*) "accountant" means a person who is a member of The Canadian Institute of Chartered Accountants or any other person who is an accountant and who, in either case, is acceptable to the Registrar as being competent to audit the accounts and transactions of corporations under this Act, and includes a partnership of which the members are accountants.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 1, cl. *c*, re-enacted

(*c*) "corporation" means a loan corporation or a trust company.

(3) Clauses *h* and *i* of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 1, cl. *h*, re-enacted; cl. *i*, repealed

(*h*) "loan corporation" means an incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate or for those and any other purposes, but does not include a chartered bank, an insurance corporation, a trust company, or an investment company registered under *The Investment Contracts Act*. R.S.O. 1960, c. 194

R.S.O. 1960, c. 222, s. 1, cls. *l*, *m*, repealed

(4) Clauses *l* and *m* of the said section 1 are repealed.

R.S.O. 1960, c. 222, s. 1, amended

(5) The said section 1 is amended by adding thereto the following clause:

(*na*) "provincial trust company" means a trust company that is a provincial corporation.

R.S.O. 1960, c. 222, s. 3, subs. 1, amended

2. Subsection 1 of section 3 of *The Loan and Trust Corporations Act* is amended by striking out "a loaning land corporation" in the second line, so that the subsection shall read as follows:

Application for incorporation

(1) An application for the incorporation of a loan corporation or a trust company shall be made by petition to the Lieutenant Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar.

R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *c*, re-enacted

3.—(1) Clause *c* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

(*c*) state the capital of the corporation, the classes, if any, into which it is to be divided, the number of shares of each class and the par value of each share, and where more than one class of shares is provided for, one class shall be common shares designated as such, and the other class or classes shall be preference shares designated as such;

(*ca*) in the case of preference shares, provide for the preferences, rights, conditions, restrictions, limitations or prohibitions attaching thereto including, without limiting the nature thereof, the right of the corporation to purchase for cancellation or at its option to redeem all or part of the preference shares of any class, or provide for conditions, restrictions, limitations or prohibitions on the right to vote.

R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *d*, amended

(2) Clause *d* of subsection 2 of the said section 4 is amended by striking out "or a loaning land" in the first line and by striking out "and loaning land corporations" in the fourth and fifth lines, so that the clause shall read as follows:

(*d*) in the case of a loan corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise.

(3) Clause *e* of subsection 2 of the said section 4 is amended by striking out "ordinary and special" in the first and second lines, so that the clause shall read as follows: R.S.O. 1960, c. 222, s. 4, subs. 2, cl. *e*, amended

(*e*) provide for the holding of general meetings of the shareholders.

(4) Subsection 2 of the said section 4 is amended by inserting "and" at the end of clause *g*, by striking out "and" at the end of clause *h* and by striking out clause *i*. R.S.O. 1960, c. 222, s. 4, subs. 2, amended

4. Section 9 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 9, re-enacted

9.—(1) No share shall be issued on or after the 30th day of June, 1970, until it is fully paid and a share is not fully paid until all consideration therefor has been received by the corporation. Fully paid shares

(2) No shares of any class shall be issued at a discount or upon any terms, agreement or understanding that the holder thereof is liable for any lesser amount than the par value thereof. No issue of shares at discount

(3) No transfer of shares shall be made that has the effect of reducing the number of shareholders to less than twenty-five. No transfer to reduce number of shareholders to less than 25

5. Subsection 1 of section 13 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 13, subs. 1, re-enacted

(1) If a corporation does not go into actual *bona fide* operation and becomes registered under this Act within two years after incorporation or if it does not use its corporate powers for the purposes set forth in its letters patent, the Act or instrument of incorporation, or is not registered under this Act during a period of two consecutive years, its corporate powers, except so far as is necessary for winding up the corporation, shall thereupon cease and determine. Termination of corporate powers where non-user

6. Section 14 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 14, repealed

7. Section 18 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 18, re-enacted

18.—(1) A loan corporation may apply by petition to the Lieutenant Governor in Council for an order Application by loan corporation for power to act as agent

authorizing the corporation to act generally as agent for the transaction of business, the collection of loans, rents, interest, dividends, mortgages and other securities for money, as a depository for the safekeeping of securities and personal property and to carry on the business of a mortgage or real estate broker.

Application authorized by resolution

(2) An application under subsection 1 shall be authorized by a resolution of the directors.

Amendment of registration

(3) Upon the making of an order under subsection 1, the Registrar shall amend the registration of the corporation kept under clause *a* of subsection 1 of section 111 and subsection 1 of section 121.

R.S.O. 1960, ss. 20-23, re-enacted

8. Sections 20, 21, 22 and 23 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Annual meeting

20.—(1) A corporation shall hold an annual meeting of shareholders at the head office of the corporation or elsewhere in Ontario at least once in each year for the purposes of considering the financial statement of the corporation required to be laid before the meeting by section 69, the election of directors, the appointment of auditors and the transaction of such other business as is permitted or required by law or by the by-laws of the corporation.

Notice

(2) Notice of the time and place of the annual meeting shall be given to each person who on the record date for notice appears on the records of the corporation as a shareholder by delivering or sending the notice by mail to his latest address as shown on the records of the corporation at least ten days before the date of the meeting.

General meetings

21.—(1) The directors of a corporation may at any time by resolution call a general meeting of the shareholders for the transaction of any business specified in the resolution.

Requisition by shareholders

(2) Shareholders holding not less than 10 per cent of the issued shares of a corporation carrying the right to vote at the meeting may request the directors to call a general meeting of the shareholders for any purpose that is connected with the affairs of the corporation and that is not inconsistent with this Act.

(3) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation, and may consist of several documents in like form signed by one or more requisitionists. Form of requisition

(4) Upon deposit of the requisition, the directors shall call forthwith a general meeting of the shareholders for the transaction of the business stated in the requisition. Directors to call general meeting

(5) Notice of any general meeting of the shareholders shall be given in the manner provided in subsection 2 of section 20. Notice

(6) No business other than that specified in the notice thereof shall be transacted at a general meeting unless all the shareholders are present in person or are represented by proxy and unanimously consent thereto. Other business

22. Every director or officer of a corporation wilfully neglecting or omitting to give or cause to be given the notice for any general meeting required by section 21 is guilty of an offence. Offence

23.—(1) The by-laws may provide for the fixing in advance of a date as the record date, Record dates

(*a*) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed by by-law, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and

(*b*) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall be not more than forty-eight hours, excluding Saturdays and holidays, before the date of the meeting and, where no such record date for voting is fixed by by-law, the record date for voting shall be at the time of the taking of the vote.

Voting rights

23*a*. The holder of each common share and, subject to clause *ca* of subsection 2 of section 4, the holder of each preference share who, on the record date for voting appears on the records of the corporation as a shareholder is entitled to one vote for each share held by him, upon which he is not in arrear in respect of any call, at all meetings of shareholders of the corporation.

R.S.O. 1960, c. 222, s. 25, amended

9. Section 25 of *The Loan and Trust Corporations Act* is amended by striking out "annual and special" in the first line, so that the subsection shall read as follows:

Minute Book

25. The transactions of all general meetings of the corporation and of all meetings of the board of directors shall be entered in a book known as the "Minute Book" of the corporation.

R.S.O. 1960, c. 222, s. 34, subss. 3, 4, re-enacted

10. Subsections 3 and 4 of section 34 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Retirement age

(3) On and after the 1st day of January, 1972, no person is qualified for appointment or election as a director if he has attained the age of seventy-five years.

Majority to be Canadian citizens and residents

(4) The majority of the directors shall at all times be Canadian citizens ordinarily resident in Canada.

New election to fill director-ships in such case

(4*a*) Where more than the permitted number of non-residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which non-residents or aliens have been elected, and so on until the number of non-residents and aliens elected is reduced to or below the permitted number.

R.S.O. 1960, c. 222, s. 49 (1961-62, c. 74, s. 2), amended

11. Section 49 of *The Loan and Trust Corporations Act*, as re-enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "stock" in the first line, so that the section shall read as follows:

Par value of shares

49. The par value of a share of capital shall be $1 or any multiple thereof not exceeding $100.

R.S.O. 1960, c. 222, s. 58, re-enacted

12. Section 58 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Increase or decrease of capital

58.—(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital.

Contents of by-law

(2) The by-law shall state the number, class and par value of the shares by which the capital is so increased or decreased.

Conversion of partly paid up shares

(3) The directors may by by-law provide upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares.

Rights of creditors preserved

(4) The liability of shareholders to persons who, at the time the capital is increased or decreased or shares are converted or altered, are creditors of the corporation remains as though the capital had not been increased or decreased or the shares had not been converted or altered.

Copy to Registrar

(5) Where a by-law under this section would have the effect of increasing or decreasing the capital of a corporation or altering the liability of any shareholder thereof, a copy of the proposed by-law shall be delivered to the Registrar and no such by-law shall be passed for at least one month thereafter.

Confirmation of by-law by shareholders and by order in council

(6) No by-law under this section has any force or effect until it has been submitted to a general meeting of the shareholders of the corporation duly called for that purpose at which the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and is confirmed thereat, with or without variation, by a resolution passed by the affirmative votes of the holders of at least two-thirds of the shares represented at the meeting, and has thereafter been confirmed by order of the Lieutenant Governor in Council.

Notice to shareholders

(7) Notice of such general meeting of the shareholders shall be given as provided in subsection 2 of section 20 and such additional notice as the Registrar may direct.

When confirmation may be granted

(8) The Lieutenant Governor in Council may grant this confirmation, required by subsection 6, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest.

Varying by-law on confirmation

(9) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for

in any by-law under this section may be varied or amended by the confirming order in council, and may be made subject to such conditions as the Lieutenant Governor in Council considers proper.

Evidence of confirmation

(10) A copy of the order in council confirming a by-law under this section, certified by the Clerk of the Executive Council shall be received in evidence as *prima facie* proof of the confirmation.

Effective date of by-law

(11) A by-law under this section becomes effective on the date specified in the confirming order in council.

R.S.O. 1960, c. 222, s. 61, repealed

13. Section 61 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 62, amended

14. Section 62 of *The Loan and Trust Corporations Act* is amended by striking out "and subsections 5 to 8 of section 59 apply to the books prescribed by section 61" in the second and third lines, so that the section shall read as follows:

Application of s. 59, subss. 6-8

62. Subsections 6 to 8 of section 59 apply to the registers prescribed by section 60.

R.S.O. 1960, c. 222, ss. 66-69, re-enacted

15. Sections 66, 67, 68 and 69 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Auditors

66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appointment annually

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in the office until a successor is appointed.

Casual vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal of auditor

(4) The shareholders may, by resolution passed by a majority of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority

of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Notice to auditor

(5) Before calling a general meeting for the purpose specified in subsection 4, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(*a*) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(*b*) a copy of all material proposed to be sent to shareholders in connection with the meeting.

Right of auditor to make representations

(6) The auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning his proposed removal as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

Remuneration

(7) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appointment by Registrar

(8) If for any reason no auditor is appointed, the Registrar may appoint one or more auditors to hold office until the close of the next annual meeting and fix the remuneration to be paid by the corporation for his or their services.

Notice of appointment

(9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made.

Notice to auditor of proposal to appoint another

(10) A person, other than an incumbent auditor, may not be appointed auditor at an annual meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the corporation not less than fifteen days before the meeting at which the auditor is to be appointed and where such notice is given the corporation shall send a copy of the notice to the incumbent auditor and

to the person whom it is intended to nominate and shall give notice thereof to the shareholders in the manner specified in section 20.

Right of incumbent auditor to make representations

(11) The incumbent auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to reappoint him as auditor, and the corporation, at its expense, shall forward with the notice of the meeting, a copy of such representations to each shareholder entitled to receive notice of the meeting.

Interpretation

67.—(1) In this section, "related person" means,

(*a*) any spouse, son or daughter of that person;

(*b*) any relative of such person or of his spouse, other than a relative referred to in clause *a*, who has the same home as such person; or

(*c*) any body corporate of which such person and any of the persons referred to in clause *a* or *b* or the partner or employer of such person, either alone or in combination, beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of the body corporate for the time being outstanding.

Who may be auditor

(2) An auditor of a registered corporation shall be an accountant.

Persons disqualified as auditors

(3) No person shall be appointed auditor of a registered corporation if he or any member of his firm is a shareholder, director, officer or employee of such corporation, or of any company in which such corporation has invested its funds under section 138*a* or 140*a*.

Auditor appointment

(4) A registered corporation shall, where possible, cause its auditor or one of its auditors to be appointed auditor of any company in which such corporation has invested its funds under section 138*a* or 140*a* and where such appointment is not possible the corporation shall inform the Registrar of the circumstances that prevent such appointment.

Application of subs. 3

(5) Subsection 3 does not apply to a person, partner, employer or related person who is not empowered to

decide whether securities of the registered corporation or its holding company, as the case may be, are to be beneficially owned, directly or indirectly, by him, or if he is not entitled to vote in respect thereof.

Idem

(6) Where, on the date this section comes into force, an auditor or his partner, employer or related person owns securities as set out in subsection 3, notwithstanding subsection 3, he may for a period of two years from the date this section comes into force continue to act as auditor if he discloses in the report required under subsection 2 of section 68 that he or his partner, employer or related person so owns such securities but, at the expiration of such period he shall cease to act as auditor unless he or his partner, employer or related person, as the case may be, has disposed of such securities.

Auditors not to be appointed receivers, etc.

(7) No person shall be appointed a receiver or a receiver and manager or liquidator of any registered corporation of which he or a related person is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator.

Trustee in bankruptcy not to be appointed auditor R.S.C. 1952, c. 14

(8) No person who is appointed a trustee of the estate of a registered corporation under the *Bankruptcy Act* (Canada) or a related person shall be appointed or act as auditor of the registered corporation.

Auditor's examination

68.—(1) The auditor shall make such examination as will enable him to make the reports required under subsection 2.

Auditor's reports

(2) The auditor of a registered corporation shall make reports,

(*a*) to the shareholders on the financial statement of the corporation referred to in sections 20 and 69; and

(*b*) to the Registrar on the annual statement filed with the Registrar under section 152.

Idem

(3) In the reports required by subsection 2, the auditor shall state,

(*a*) whether he has obtained all the information and explanations he has required;

(*b*) whether in the opinion of the auditor the financial statement presents fairly the financial position of the corporation as at the date of the balance sheet included therein and the results of the operations of the corporation for the financial period ended on that date; and

(*c*) whether the financial statements are in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any,

in accordance with the information he has obtained and the explanations given to him and as shown by the books of the corporation.

Qualified report

(4) When the opinion expressed in a statement under subsection 2 is not an unqualified opinion, the auditor shall state in his report the reasons therefor.

Facts discovered after statement

(5) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual general meeting of shareholders, would have required a material adjustment to the financial statement presented to such meetings, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

Amendment of auditor's report

(6) On the receipt of facts furnished under subsection 5 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 4 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the shareholders.

Auditor's statement

(7) The auditor in his reports shall make such statements as he considers necessary,

(*a*) if the corporation's financial statement or annual statement is not in agreement with its accounting records;

(*b*) if the corporation's financial statement or annual statement is not in accordance with

any requirements of this Act or as prescribed by the Registrar; or

(*c*) if proper accounting records have not been kept so far as appears from his examination.

Right of access, etc.

(8) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of the corporation and is entitled to require from the directors, officers and employees of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

Idem

(9) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the corporation and is entitled to require from the directors, officers and employees of each such subsidiary such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

Idem

(10) Where a subsidiary of the corporation is a body corporate to which this Act does not apply, the holding corporation shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary, and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanations required by subsection 8.

Auditor's right to attend meetings

(11) The auditor of a corporation is entitled to attend any meeting of the shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor.

Shareholder may require auditor's attendance at shareholders meetings

(12) Any shareholder of a corporation, whether or not he is entitled to vote at meetings of shareholders, may, by notice in writing to the corporation given five days or more before any meeting of shareholders, require the attendance of the auditor at such meeting at the corporation's expense, and in such event the auditor shall attend the meeting.

Auditor may attend shareholders meetings

(13) At any meeting of shareholders the auditor, if present, shall answer inquiries directed to him concerning the

basis upon which he formed the opinion stated in the report made under subsection 2.

Registrar may enlarge scope

(14) The Registrar may direct that the scope of the annual audit of a corporation be enlarged or extended and may appoint for such purpose an accountant as an auditor of the corporation and the expenses incurred by reason of such appointment are payable by the corporation.

Annual financial statement

69.—(1) The directors shall lay before each annual meeting of shareholders,

(*a*) a financial statement for the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, made up of,

(i) a statement of profit and loss for such period,

(ii) a statement of retained earnings, or surplus for such period,

(iii) a statement of general reserve,

(iv) a statement of accumulated reserves for investments,

(v) a balance sheet as at the end of such period,

and if the Registrar so directs, showing in each case the corresponding figures for the last preceding financial period of the corporation;

(*b*) the report of the auditor to the shareholders;

(*c*) such further information respecting the financial position of the corporation, as its letters patent, supplementary letters patent, or by-laws, require.

Form

(2) The Lieutenant Governor in Council may make regulations prescribing the form and content of the financial statement required under subsection 1.

(3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection at the meeting by any shareholder. Auditor's report to be read

(4) The financial statement shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report shall be attached to or accompany the financial statement. Approval by directors

(5) A corporation shall, at least ten days before the date of the annual meeting of the shareholders, send by prepaid mail to each shareholder entitled to notice of the meeting at his latest address shown on the records of the corporation a copy of the financial statement and a copy of the auditor's report. Copy to shareholders

(6) A copy of the financial statement and auditor's report shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same. Copy to debenture holders

16. Section 70 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 70, re-enacted

70. Sections 71 to 76 apply to every loan corporation incorporated under the law of Ontario or having its head office in Ontario and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations. Application of ss. 71-76

70*a*.—(1) The directors of a corporation shall elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three directors, of whom the majority shall not be officers or employees of the corporation or an affiliate of the corporation, to hold office until the next annual meeting of the shareholders. Audit committee

(2) The members of the audit committee shall elect a chairman from among their number. Chairman

(3) The corporation shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors. Review

Hearing of auditor

(4) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Idem

(5) Upon the request of the auditor, the chairman of the audit committee shall convene a meeting of the committee to consider any matter the auditor believes should be brought to the attention of the directors or shareholders.

R.S.O. 1960, c. 222, s. 71, re-enacted

17.—(1) Section 71 of *The Loan and Trust Corporations Act*, as amended by section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Amount of capital subscribed and paid in before borrowing

71.—(1) No loan corporation shall exercise any of the borrowing powers conferred by this Act unless and until it has a capital paid in and unimpaired of at least $1,000,000.

Borrowing powers

(2) Subject to the qualifications, limitations and restrictions contained in this Act, a registered loan corporation, if authorized by by-law, may,

(*a*) borrow money by way of loan or on deposit at such rates of interest and upon such terms as the directors may from time to time determine;

(*b*) issue debentures, bonds and other securities to evidence any such borrowing; and

(*c*) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the corporation present or future, including book debts and unpaid calls, rights, powers, franchises and undertaking, to secure any such debentures, bonds or other securities or any money borrowed.

Confirming by-law

(3) No by-law for any of the purposes mentioned in subsection 2 takes effect unless such by-law,

(*a*) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the corporation duly called to consider such by-law; or

(*b*) has been passed by the directors and confirmed at a general meeting of the shareholders of the corporation duly called to consider such by-law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

(2) Subsection 1 does not apply to a loan corporation that was registered before the 1st day of January, 1968. Application of subs. 1

18. Sections 72 and 73 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 222, ss. 72, 73, re-enacted

72. Subject to the terms and conditions of any charge, mortgage, hypothec or pledge given by a registered loan corporation to secure any particular borrowing, the holders of deposits and the holders of debentures, bonds or other securities rank *pari passu* on the assets of such corporation and are ordinary creditors thereof. Ranking of holders of deposits and debentures

73. Debentures, bonds or other securities of a registered loan corporation shall, Denomination and term of debentures

(*a*) be for such individual amounts not less than $100;

(*b*) be payable in such currency and at such place;

(*c*) mature on such date not less than one year from the date of issue thereof;

(*d*) bear such rate of interest; and

(*e*) in all other respects be in such form and terms,

as the directors of the corporation shall from time to time determine.

19.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 74 of *The Loan and Trust Corporations Act*, as re-enacted by section 6 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 3 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960 c. 222, s. 74 (1966, c. 81, s. 6), subs. 1, cls *a*, *b*, *c*, re-enacted

(*a*) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;

(*b*) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;

(*c*) loans payable on demand and fully secured by securities referred to in clause *b*; and

. . . . .

R.S.O. 1960, c. 222, s. 74 (1966, c. 81, s. 6), subs. 2, cls. *a*, *b*, re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 74 are repealed and the following substituted therefor:

(*a*) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and

(*b*) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks, or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

R.S.O. 1960, c. 222, s. 75, re-enacted

20. Section 75 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor:

Limit on borrowing

75. The total amount borrowed by a registered loan corporation, by way of the issue of debentures, bonds or other securities and by way of deposits shall not at any time exceed an amount equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

(*a*) increase the total amount that may be borrowed by such corporation to an amount not exceeding twenty times the aggregate of such unimpaired capital and reserve; and

(*b*) prescribe the portion of the total amount that may be borrowed by such corporation that may be borrowed by way of deposits.

21. *The Loan and Trust Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 222 amended

78*a*.—(1) In this section, "pooled trust fund" means a trust fund maintained or operated by a trust company in which moneys belonging to various participants are combined for the purpose of investment and entitling the participant to receive on demand, or after a specified period after demand, an amount computed by reference to the value of a proportionate interest in the assets of such trust fund, but does not include a trust fund operated where participation is limited to less than fifty persons. Pooled trust fund defined

(2) The assets of a pooled trust fund shall be held and managed in trust under a trust document for the purpose that complies with the regulations made under subsection 8. Trust document

(3) No trust company shall offer to any person, units or other interests in a pooled trust fund until there has been filed with the Registrar the form of the documents evidencing the trust and such other material as to the reporting to participants, advertising, and training of personnel as the Registrar requires in respect of such offering and a receipt therefor has been obtained from the Registrar. Filing of trust document

(4) The Registrar may, when in his opinion such action is in the public interest, require a trust company to file with him an information folder in the form prescribed by the regulations with respect to a pooled trust fund and no application or moneys for participation in the pooled trust fund shall be received by the trust company from a prospective purchaser until the trust company has delivered to the prospective purchaser a copy of the information folder that has been filed and the trust company shall obtain from each prospective purchaser with his application a statement in writing acknowledging that he has received a copy of the information folder. Information folder and delivery to prospective purchaser

(5) The information folder shall provide brief and plain disclosure of all material facts relating to the pooled trust fund, shall comply as to form and content with the requirements of the regulations and shall be Form of information folder

so certified by the president, vice-president, or managing director or other director appointed for such purpose and by the secretary or manager of the trust company.

New information folders

(6) A trust company that has filed an information folder in respect of a pooled trust fund shall, as long as the trust company continues to offer participation in the pooled trust fund, file with the Registrar, a copy of a new information folder in respect of its contracts,

(*a*) forthwith upon any material changes in any facts set out in the information folder filed in respect of such pooled trust fund; and

(*b*) within one year and one month after the date of the latest information folder filed with the Registrar in respect of such pooled trust fund.

Prohibition order

(7) When it appears to the Registrar that,

(*a*) the information folder, or any other document filed with the Registrar by a trust company under this Act or the regulations,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it is made; or

(*b*) the condition or method of operation of the trust company in connection with its pooled trust fund will render its operations hazardous to the public or to its participants in Ontario,

the Registrar shall report the same to the Minister and the Minister, if he concurs in the report and after hearing the trust company, may order the Registrar to prohibit the trust company from continuing to offer participation in such pooled trust fund.

(8) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing the form and content of the trust instrument establishing a pooled trust fund;

(*b*) prescribing investment restrictions and reserves in respect of pooled trust funds;

(*c*) prescribing the form and content of information folders;

(*d*) prescribing the qualifications and training of persons who may sell interests in pooled trust funds;

(*e*) governing the furnishing of information and advertising to the public in connection with a pooled trust fund;

(*f*) requiring trust companies to furnish the Registrar with such information, returns and reports respecting pooled trust funds as is prescribed.

22. Section 79 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 79, re-enacted

79.—(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures. Trust companies not to borrow by accepting deposits

(2) A provincial trust company may borrow money and charge, mortgage, hypothecate or pledge all or any of the real or personal property, present or future, of the company other than property deemed by this Act to be held by the company as trustee or received for investment under sections 80 and 82, to secure any moneys so borrowed. Trust companies may borrow on its own funds

23. Section 81 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 81, repealed

24. Section 82*a* of *The Loan and Trust Corporations Act*, as enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 82*a* (1965, c. 61, s. 2), re-enacted

82*a*.—(1) The total of the moneys received by a registered trust company as deposits under section 80 and for investment under section 82 or borrowed under section 79 shall not at any time exceed an amount Limit on guaranteed funds

equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

(*a*) increase the total amount that may be so received by such company to an amount not exceeding twenty times the aggregate of such capital and reserve; and

(*b*) prescribe the portion of the total amount that may be so received or borrowed by such company that may be received by way of deposits.

Deduction to be made in estimating the paid in capital

(2) In ascertaining the amounts that may be received or borrowed by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the unimpaired capital.

Pledge of securities to Canada Deposit Insurance Corporation

82*b*. Notwithstanding anything in this Act, a trust company may, with the approval of the Registrar, hypothecate, mortgage or pledge the cash and securities ear-marked and set aside under sections 80 and 81 of this Act to the Canada Deposit Insurance Corporation for a loan from that Corporation.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 1, cls. *a*, *b*, *c*, re-enacted

25.—(1) Clauses *a*, *b*, and *c* of subsection 1 of section 84 of *The Loan and Trust Corporations Act*, as re-enacted by section 7 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor:

(*a*) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;

(*b*) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;

(*c*) loans payable on demand and fully secured by securities referred to in clause *b*.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 2, cls *a*, *b* re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 84 are repealed and the following substituted therefor:

(*a*) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and

(*b*) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

26. Subsection 1 of section 97 of *The Loan and Trust Corporations Act* is amended by striking out "or loaning land corporation" in the first and second lines and in the fourth line, so that the subsection shall read as follows: R.S.O. 1960, c. 222, s. 97, subs. 1, amended

(1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase. Power to unite with other corporations and to purchase or sell assets

27. Section 99 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 99, re-enacted

99. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and the agreement or offer is ratified or accepted by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting, that fact shall be certified upon the agreement or offer by the secretary or manager of each corporation under the seal of such corporation. Proceedings to ratify agreement

R.S.O. 1960, c. 222, s. 102, subs. 5, repealed

28. Subsection 5 of section 102 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 105, subss. 2, 3, 4, re-enacted

29.—(1) Subsections 2, 3 and 4 of section 105 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Business and property vested in amalgamated corporation

(2) From the date of the assent, all the business and real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages and other securities, subscriptions and other debts due, and other things in action belonging to each of the amalgamating corporations are vested in the amalgamated corporation without further act or deed.

Creditors' rights

(3) All rights of creditors and liens upon the property of each of the amalgamating corporations are unimpaired by the amalgamation.

Debts and liabilities

(4) All debts, liabilities and duties of each of the amalgamating corporations attach to the amalgamated corporation from the date of the assent and may be enforced against it to the same extent as if they had been incurred or contracted by it.

R.S.O. 1960, c. 222, s. 105, subs. 5 (1960-61, c. 48, s. 2, subs. 2), re-enacted

(2) Subsection 5 of the said section 105, as enacted by subsection 2 of section 2 of *The Loan and Trust Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Charter

(5) Where the amalgamated corporation is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated corporation a charter, as at the date of the assent, confirming the amalgamation agreement and continuing the amalgamated corporation as if it had been incorporated under this Act.

To permit continuation of amalgamated company under another jurisdiction

(6) Where the amalgamated corporation is to continue as other than a provincial corporation and one or more, but not all, parties to the amalgamation agreement are provincial corporations, the parties to the amalgamation agreement may apply to the proper officer of the jurisdiction of continuation specified in the amalgamation agreement for an instrument amalgamating and continuing them as an amalgamated corporation under the laws of that jurisdiction and as incidental thereto a provincial corporation may apply for letters patent or other instrument continuing it as if it had been incorporated under the laws of that jurisdiction.

30. Subsection 1 of section 106 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 106, subs. 1 re-enacted

Acquisition or amalgamation by registered loan corporation by purchase of shares

(1) In addition to its powers under section 97, a registered loan corporation may, for the purpose of either acquiring the assets of any other loan corporation in Canada or uniting, merging or amalgamating with any such corporation under sections 97 to 105, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,

   (*a*) an offer to purchase has been accepted,

      (i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation, or

      (ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such corporation at a general meeting of the shareholders thereof; and

   (*b*) the purchase has been submitted to a general meeting of the shareholders of the purchasing corporation at which the holders of at least 50 per cent of the issued shares of such corporation for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this section is in addition to the powers set forth

in section 137, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a corporation has purchased shares under this section, it shall within a period of two years after the purchase has been authorized by the Lieutenant Governor in Council proceed under sections 97 to 105 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other corporation, but the Lieutenant Governor in Council, on being satisfied that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister, and the Registrar may direct the corporation to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960, c. 222, s. 108, subs. 1 re-enacted

31. Subsection 1 of section 108 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Acquisition or amalgamation by registered trust company by purchase of shares

(1) In addition to its powers under section 107, a registered trust company may, for the purpose of either acquiring the assets of any corporation in Canada or uniting, merging or amalgamating with any other trust company in Canada under section 107, purchase not less than 67 per cent of the outstanding shares of any such corporation or trust company, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.

2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,

(*a*) an offer to purchase has been accepted,

(i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation or trust company, or

(ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such other corporation or trust company at a general meeting of the shareholders thereof; and

(*b*) the purchase has been submitted to a general meeting of the shareholders of the registered trust company at which the holders of at least 50 per cent of the issued shares of such company for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 139, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a trust company has purchased shares under this section it shall within a period of two years after such purchase has been authorized by the Lieutenant Governor in Council proceed under section 107 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other trust company, but the Lieutenant Governor in Council, on being satisfied, that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing trust company in the annual report prepared by the Registrar for the Minister, and the Registrar may direct such trust company to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960, c. 222, s. 109, subs. 3, re-enacted

32. Subsection 3 of section 109 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Protection from personal liability

(3) No action or other proceeding for damages shall be instituted against the Registrar or assistant registrar, or anyone acting under the authority of the Registrar or assistant registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

R.S.O. 1960, c. 222, s. 111, subs. 1, amended

33. Subsection 1 of section 111 of *The Loan and Trust Corporations Act* is amended by adding "and" at the end of clause *a* and by striking out clause *b*.

R.S.O. 1960, c. 222, s. 114, subs. 3, re-enacted

34.—(1) Subsection 3 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Special audits

(3) Where,

(*a*) a corporation is three months in default in the delivery of the annual statement required by section 152; or

(*b*) for eighteen consecutive months there has been no audit of the books and accounts of the corporation; or

(*c*) there is filed with the Registrar a requisition for audit bearing the signatures and addresses of at least twenty-five shareholders of the corporation holding shares upon which not less than $10,000 in the aggregate has been paid in, alleging specific fraudulent or illegal acts or repudiation of contracts or alleging that the accounts of the corporation have been materially and wilfully falsified and accompanied by a deposit of $1,000 or such other sum as the Registrar fixes as security for the cost of the audit,

the Registrar may appoint an accountant who shall under his direction make a special audit of the books, accounts and securities of the corporation and make to the Registrar a written report thereon.

(2) Subsection 8 of the said section 114 is amended by striking out "66" in the fifth line and inserting in lieu thereof "68". R.S.O. 1960, c. 122, s. 114, subs. 8, amended

(3) Subsections 9 and 10 of the said section 114 are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 114, subss. 9, 10, re-enacted

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts or repudiation of contracts or that the accounts of the corporation have been materially and wilfully falsified, he shall notify the corporation accordingly and furnish to it a copy of the report and the corporation shall within two weeks thereafter file a statement with the Registrar replying to such report. Report of special auditor

(10) Upon consideration of the report and the corporation's statement in reply and such further evidence, documentary or oral, as he may require, the Registrar shall by a decision in writing continue, suspend or cancel the registry of the corporation or impose such terms or conditions upon the registry of the corporation, as he considers appropriate. Registrar's decision

35. Subsection 8 of section 115 of *The Loan and Trust Corporations Act* is repealed. R.S.O. 1960, c. 222, s. 115, subs. 8, repealed

36. Section 117*a* of *The Loan and Trust Corporations Act*, as enacted by section 8 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 117*a*, (1966, c. 81, s. 8), re-enacted

117*a*.—(1) The Registrar may address any inquiries to a registered corporation or to the president, manager or secretary thereof for the purpose of ascertaining its condition and ability to meet its obligations or as to the conduct of its business and it is the duty of any corporation or officer so addressed to reply promptly in writing to any such inquiry. Inquires by Registrar

(2) The Registrar may require a corporation to forward a copy of any letter addressed to the corporation by the Registrar and any answer thereto to each director of the corporation and upon such requirement being made the president of the board of directors shall instruct the secretary of the corporation to include a copy of such letter and the answer thereto in the minutes of the meeting of the directors next following the requirement of the Registrar. Notice to directors

Answers may be included in Registrar's annual report

(3) The Registrar may, in his discretion, embody in his annual report to the Minister the inquiries and requirement made by him under this section and the answers thereto.

R.S.O. 1960, c. 222, amended

37. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections:

Assets not accounted for

118*a*.—(1) Where it comes to the attention of the Registrar that a provincial corporation may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Registrar is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such corporation and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section 118*b*.

Release of assets

(2) The Registrar may release any assets under his possession and control that he considers advisable for the purposes of the corporation.

Report to Minister

118*b*.—(1) Where the Registrar is of the opinion that the assets of a provincial corporation are not sufficient to meet its liabilities in respect of moneys received in trust or borrowed he shall so report to the Minister.

Remedial powers of the Minister

(2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Registrar under subsection 1, the Minister may do one or both of the following,

(*a*) make the corporation's registry subject to such limitations or conditions as he considers appropriate;

(*b*) prescribe a time within which the corporation shall make good any deficiency of assets.

Subsequent action

(3) If the corporation fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension

thereof subsequently given by the Minister, the Minister shall submit the report of the Registrar to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Registrar to take possession and control of the assets of the corporation and the Registrar shall deliver a copy of the order to an officer of the corporation.

Appointment of appraisers

(4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of Registrar upon taking control

118*c*.—(1) If so ordered by the Lieutenant Governor in Council under section 118*b*, the Registrar shall take possession and control of the assets of a provincial corporation and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Registrar has all the powers of the board of directors of the corporation, and, without limiting the generality of the foregoing, the Registrar may,

(*a*) exclude the directors, officers, servants and agents of the corporation from the premises, property and business of the corporation; and

(*b*) carry on, manage and conduct the operations of the corporation and in the name of the the corporation preserve, maintain, realize, dispose of and add to the property of the corporation, receive the incomes and revenues of the corporation and exercise all the powers of the corporation.

Application to court

(2) While the Registrar has possession and control of the assets of a corporation under this section, the Minister may direct the Registrar to apply to the court for an order for the winding up of the corporation under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

Appointment of managers

(3) Where the Registrar is in possession and control of the assets of a corporation and is conducting its business, he may appoint one or more persons to manage and operate the business of the corporation, and,

(*a*) each person so appointed is a representative of the Registrar; and

(*b*) the remuneration of any such person, other than an employee of the office of the Registrar, shall be fixed by the Minister.

Relinquishing control

(4) Whenever the Minister believes that a corporation, the assets of which are in the possession and control of the Registrar, meets all the requirements of this Act and that it is otherwise proper for the corporation to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Where rehabilitation efforts futile

(5) If the Minister, on the report of the Registrar, considers that further efforts to rehabilitate a corporation, the assets of which are in the possession and control of the Registrar, would be futile, he may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Expenses of proceedings

(6) The expenses of the Registrar incurred in rehabilitation proceedings under this section and sections 118*a* and 118*b* shall be paid,

(*a*) where the corporation that is the subject of the proceedings is a loan corporation, by all loan corporations; or

(*b*) where the corporation that is the subject of the proceedings is a trust company, by all trust companies,

and the share of each shall be in the same proportion as its total net income earned in Ontario in its last preceding fiscal year bears to the total net income earned in Ontario of all loan corporations or trust companies, as the case may be, in the last preceding fiscal year of each.

Advisory committee

(7) The corporations required to bear the said expenses of the Registrar may appoint a committee of not more than six members to advise the Registrar in

respect of all matters pertinent to the rehabilitation of the corporation whose assets are in the possession and control of the Registrar.

Appeal

118*d*.—(1) Notwithstanding section 118*c*, a provincial corporation may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section 118*b* within thirty days after the delivery of a copy of the order to an officer of the provincial corporation, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

(2) An order of the Lieutenant Governor in Council under section 118*b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material on appeal

(3) The Minister shall certify to the Registrar of the Supreme Court,

(*a*) the decision of the Lieutenant Governor in Council;

(*b*) the reports of the Registrar to the Minister or the Lieutenant Governor in Council;

(*c*) the record of any hearing; and

(*d*) all written submissions by the appellant to the Registrar, the Minister or the Lieutenant Governor in Council.

Representation

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Order

(5) Where an appeal is taken under this section, the judge may by order direct the Registrar to take such action as the judge considers proper or refrain from taking any action specified in the order and the Registrar shall act accordingly.

Further decision

(6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section.

R.S.O. 1960, c. 222, s. 123, subs. 1, amended

38.—(1) Subsection 1 of section 123 of *The Loan and Trust Corporations Act* is amended by striking out "and loaning land corporations" in the fifth line, so that the subsection, exclusive of the paragraphs, shall read as follows:

What admissible to registry

(1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

. . . . .

R.S.O. 1960, c. 222, s. 123, subs. 3, re-enacted

(2) Subsection 3 of the said section 123 is repealed and the following substituted therefor:

Registry on terms

(3) Upon the application for registration of a corporation, other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he prescribes.

R.S.O. 1960, c. 122, s. 128, repealed

39. Section 128 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 133, subs. 1, amended

40. Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out "or of a loaning land corporation" in the fourth and fifth lines, so that the subsection shall read as follows:

No unregistered corporation to undertake business

(1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation or of a trust company.

R.S.O. 1960, c. 122, s. 137, subs. 1, re-enacted

41.—(1) Subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as amended by section 3 of *The Loan and Trust Corporations Amendment Act, 1960-61*, subsections 1, 2 and 3 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965*, and subsection 1 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Mortgages

(1) A registered loan corporation may purchase or invest in,

(*a*) ground rents, mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold to which the mortgage, charge or hypothec relates; mortgages

(*b*) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); N.H.A. mortgages 1953-54 c. 23 (Can.)

(*c*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest if the excess is guaranteed or insured by or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada) or *The Insurance Act* or similar legislation of any province or territory of Canada; insured mortgages R.S.C. 1952, cc. 31, 125 R.S.O. 1960, c. 190

(*d*) mortgages or assignments of such life insurance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer; mortgages and assignments of life insurance policies

Government bonds

(*e*) the debentures, bonds, stock or other securities of or guaranteed by the Government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of Her Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada or elsewhere where the corporation is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectable by the municipalities in which the property is situated;

bonds, etc., issued or guaranteed by the International Bank, etc.

(*f*) the bonds, debentures or other securities issued or guaranteed by,

(i) the International Bank for Reconstruction and Development,

(ii) Inter-American Development Bank or by Asian Development Bank, or

(iii) the government of any country in which the corporation is carrying on business or a province or state thereof;

bonds secured by trust deed

(*g*) the bonds, debentures, debenture stock, notes or other securities of any company that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or other assets of such company of the classes mentioned in clauses *a*, *b*, *c*, *d* and *e*;

federal subsidy bonds

(*h*) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that the Government

of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

provincial subsidy bonds

(*i*) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

transportation equipment security

(*j*) obligations or certificates issued by a trustee to finance, for a company incorporated in Canada or for a company owned or controlled by a company so incorporated, the purchase of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the company;

debentures

(*k*) the bonds, debentures or other evidences of indebtedness of or guaranteed by,

(i) any company if, at the date of investment, the preferred shares or the common shares of the company are authorized as investments by clause *l* or *m*, or

(ii) any company where the earnings of the company in a period of five years ending less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least 1½ times the annual interest requirements at the date of investment on all indebtedness

of or guaranteed by it other than indebtedness classified as a current liability in the balance sheet of the company, and if the company at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another company, the earnings of the companies during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the companies shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the company; and for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

preferred shares

(*l*) the preferred shares of a company where the company has paid,

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) if the common shares of the company are, at the date of investment, authorized as investments by clause *m*;

common shares

(*m*) the fully paid common shares of a company that during a period of five years that ended less than one year before the date of purchase or investment has either,

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the company during the year

in which the dividend was paid or in which the company had earnings available for the payment of dividends, as the case may be;

real estate for the production of income

(*n*) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if,

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government of the country in which the real estate or leasehold is situated, or of a province, state or municipality of that country, or

(B) a company, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) the total investment of the corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

(iv) the book value of the investments of the corporation in real estate or leaseholds for the production of income under this clause and clause *o* do not exceed 10 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

other real estate for the production of income

(*o*) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if,

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of a corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold; but the book value of the investments of the corporation in real estate or leaseholds for the production of income and subject to subclause iv of clause *n* shall not exceed 5 per cent of the book value of the total assets of the corporation;

guaranteed investment certificates of trust companies

(*p*) guaranteed investment certificates of a trust company incorporated in Canada, if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *l* or *m*.

(2) Subsection 2 of the said section 137 is amended by striking out "or a registered loaning land corporation" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960. c. 222, s. 137, subs. 2, amended

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. Investment in national housing R.S.C. 1952, c. 188; 1953-54, c. 23 (Can.)

(3) Subsection 3 of the said section 137, as amended by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 3 and 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965* and subsection 2 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960. c. 222, s. 137, subs. 3, re-enacted

(3) A registered loan corporation may lend money on the security of, Loans on securities by loan corporations

(*a*) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1;

(*b*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan shall not exceed three-quarters of the value of the real estate or leasehold;

(*c*) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); 1953-54 c. 23 (Can.)

(*d*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

R.S.C. 1952, cc. 31, 125

R.S.O. 1960, c. 190

(*e*) the bonds, debentures, notes, shares or other securities mentioned in clause *f*, *h*, *i*, *j*, *k*, *l*, *m* or *p* of subsection 1, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan and if also the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

Special guaranteed loans

1964-65 c. 24 (Can.)

R.S.C. 1952, c. 110

1955 c. 46 (Can.)

1960-61 c. 5 (Can.)

(4) If a registered loan corporation is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada), the corporation may make guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

R.S.O. 1960, c. 122, s. 138, re-enacted

42. Section 138 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

"Basket clause" for loan corporations

138. A registered loan corporation may make investments and loans not authorized by section 137 and not prohibited by any other section, subject to the following provisions,

(*a*) investments in real estate or leaseholds under this section shall be made only for the pro-

duction of income, and may be made by the corporation in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the corporation may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a corporation under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the corporation;

(*b*) the total book value of the investments and loans made under this section and held by the corporation, excluding those that are, or at any time since acquisition have been, authorized as investments apart from this section, shall not exceed the larger of,

(i) 15 per cent of the corporation's unimpaired capital and reserve, or

(ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the book value of the total assets of the corporation; and

(*c*) this section shall be deemed not to,

(i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii) affect the operation of clause *e* of subsection 3 of section 137 as to the amount that may be loaned on the security of the shares of any one company.

Power of loan corporations to invest in shares of certain companies

138*a*. Notwithstanding anything in section 137 or 142, a registered loan corporation may invest its funds in the fully paid shares of,

(*a*) any company incorporated outside Canada to exercise the powers that a loan corporation incorporated in Ontario possesses;

(*b*) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or to act as agent in the sale or purchase of real estate or leaseholds;

(*c*) any company incorporated to offer public participation in an investment portfolio;

(*d*) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services; or

(*e*) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a loan corporation,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960, c. 122, s. 139, re-enacted

43. Section 139 of *The Loan and Trust Corporations Act*, as amended by section 4 of *The Loan and Trust Corporations Amendment Act, 1960-61*, section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, section 5 of *The Loan and Trust Corporations Amendment Act, 1965* and section 11 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Investments by trust companies

139.—(1) A registered trust company may invest its own funds and moneys received for guaranteed investment or as deposits in any of the investments mentioned in subsection 1 of section 137, except that at all times at least 50 per cent of moneys received for guaranteed investment or as deposits shall be invested in or loaned upon such securities only as are authorized for trustees by section 26 of *The Trustee Act*.

R.S.O. 1960, c. 408

Restriction on amounts of investment in real estate

(2) The total book value of the investments of a registered trust company in real estate or leaseholds for the production of income under clause *n* of subsection 1 of section 137, shall not exceed in the case of its own funds 10 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as deposits, 10 per cent of such moneys and under clause *o* of subsection 1 of section 137, shall not exceed in the case of its own funds 5 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as

deposits 5 per cent of such moneys or 25 per cent of the unimpaired capital and reserve of the company, whichever is the greater, but the total amount invested under clauses *n* and *o* shall not exceed the maximum amount provided in clause *n*; and the amount so invested in any one parcel of real estate or leaseholds for the production of income shall not exceed 2 per cent of the aggregate of the total assets of the corporation and the moneys received by it for guaranteed investment or as deposits.

Investments in national housing

(3) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate under the *National Housing Act, 1954* (Canada) or any predecessor thereof, a registered trust company may invest its own funds to an aggregate amount not exceeding 5 per cent of its unimpaired capital and reserve and may, notwithstanding subsection 1, invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding 5 per cent of such moneys in any other classes or types of investments pursuant to the said Act, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

1953-54, c. 23 (Can.)

Loans by registered trust companies

(4) Subject to subsection 1, a registered trust company may lend its own funds and moneys received for guaranteed investment or as deposits on the security of,

(*a*) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1 of section 137;

(*b*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold;

(*c*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value

of the real estate or leasehold, where the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada);

1953-54, c. 23 (Can.)

(*d*) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the company is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the company is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

R.S.C. 1952, cc. 31, 125

R.S.O. 1960, c. 190

(*e*) the bonds, debentures, notes, shares or other securities mentioned in clause *f*, *h*, *i*, *j*, *k*, *l*, *m* or *p* of subsection 1 of section 137, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan, and if the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

Loans by trust companies

1964-65, c. 24 (Can.)

R.S.C. 1952, c. 110 1955, c. 46 (Can.)

(5) If a registered trust company is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada), it may lend its own funds and moneys received for guaranteed investment or as deposits, in guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

R.S.O. 1960, c. 222, s. 140, re-enacted

44. Section 140 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

"Basket clause" for registered trust companies

140. A registered trust company may, with respect to its own funds and with respect to moneys received for guaranteed investment or as deposits, make investments and loans not authorized by section 139 and not prohibited by any other section, subject to the following provisions,

(*a*) investments in real estate or leaseholds under this section shall be made only for the production of income, and may be made by the company in Canada or in any country in which the company is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits;

(*b*) the total book value of the investments and loans made under this section and held by the company, excluding those that are or at any time since acquisition have been authorized as investments apart from this section, shall not exceed the larger of,

(i) 15 per cent of the company's unimpaired capital and reserve, or

(ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits; and

(*c*) this section shall be deemed not to,

(i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii) affect the operation of subsections 1 and 2 of section 139 or the operation of clause *e* of subsection 4 of section 139 as to the amount which may be loaned on the security of the shares of any one company.

Power of registered trust companies to invest in shares of certain companies

140*a*. Notwithstanding anything in section 139 or 142, a registered trust company may invest its own funds in the fully paid shares of,

(*a*) any company incorporated outside Canada to exercise the powers set forth in section 77;

(*b*) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or act as agent in the sale or purchase of real estate or leaseholds;

(*c*) any company incorporated to offer public participation in an investment portfolio;

(*d*) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services;

(*e*) a loan corporation within the meaning of this Act; or

(*f*) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a trust company,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960, c. 222, s. 144, subs. 2, re-enacted

45. Subsection 2 of section 144 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Limitation of time for holding

(2) The corporation shall, subject to section 145, sell any real estate acquired by it under a mortgage, charge or hypothecation, or in satisfaction of a debt, within twelve years after it has been so acquired, otherwise it may be forfeited to Her Majesty for the use of Ontario, but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of Her Majesty to claim such forfeiture.

46. Section 145 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 222, s. 145, amended

(2) The corporation may acquire, hold, sell or dispose of real estate acquired in connection with the relocation by the corporation of the place of employment of an employee, if the real estate serves as the residence of the employee immediately after the relocation or served as the residence of the employee immediately before the relocation but the real estate shall not be allowed as an asset of the corporation in the annual report prepared by the Registrar for the Minister if it is held for more than two years following its acquisition. Power to hold real estate on relocation of employee

47. Section 147 of *The Loan and Trust Corporations Act* is amended by striking out "paid up capital and reserve funds" in the fourth and fifth lines and inserting in lieu thereof "unimpaired paid up capital, surplus and reserves", so that the section shall read as follows: R.S.O. 1960, c. 222, s. 147, amended

147. A provincial corporation shall not make or undertake any investment under section 145 or 146 that will cause the total amount at which such investments are carried on its books to exceed 35 per cent of its unimpaired paid up capital, surplus and reserves. Limit of amount of investments in buildings

48. Section 148 of *The Loan and Trust Corporations Act*, as re-enacted by section 14 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 148 (1966, c. 81, s. 14), re-enacted

148.—(1) A corporation shall not knowingly make an investment, Prohibited investments

(*a*) by way of a loan to,

(i) a director or officer of the corporation or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the corporation;

(*b*) in a company that is a substantial shareholder of the corporation; or

(*c*) in a company in which,

(i) an individual mentioned in subclause i of clause *a*,

(ii) an individual who is a substantial shareholder of the corporation,

(iii) another corporation that is a substantial shareholder of the corporation, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

(2) The corporation shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

significant interest

(*a*) a person has a significant interest in a company, or a group of persons has a significant interest in a company, if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the company for the time being outstanding;

substantial shareholder

(*b*) a person is a substantial shareholder of a corporation, or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting

rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares;

(*c*) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing; equity share

(*d*) "investment" means, investment

(i) an investment in a company by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons, but does not include an advance or loan, whether secured or unsecured, that is made by a corporation to a company and that is merely ancillary to the main business of the corporation;

(*e*) "officer" means the president, vice-president, manager, secretary, assistant secretary, comptroller, treasurer and assistant treasurer of a corporation and any other person designated as an officer of the corporation by by-law or by resolution of the directors thereof.

(4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, shares of a company, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other company that is owned beneficially, directly or indirectly, by the first-mentioned company, that is equal to the proportion of the shares of the first-mentioned company that is owned beneficially, directly or indirectly, by that person or group of persons. "Downstream" investment

(5) Notwithstanding subsection 4, a corporation is not prohibited from making an investment in a company only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to Exception

own beneficially, equity shares of the corporation is by reason thereof deemed to own beneficially equity shares of the company.

Exemption

(6) Where any person or group of persons is a substantial shareholder of a corporation and, as a consequence thereof and of the application of this section, certain investments are prohibited for the corporation, the Minister may, on the advice of the Registrar, and on application by the corporation, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(*a*) that the decision of the corporation to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the corporation; and

(*b*) that the investment is to be made under the power granted to the corporation by sections 137, 138, 139 and 140.

Idem

(7) Any exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Assets in Canada

148*a*.—(1) A provincial corporation shall at all times retain in Canada assets at least equal to its liabilities incurred in Canada and to the moneys for which it is accountable as a trustee in Canada.

Safekeeping

(2) The custody of securities registered in the name of or held by a provincial corporation is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the corporation, as the Lieutenant Governor in Council may prescribe.

R.S.O. 1960, c. 222, s. 150, re-enacted

49. Section 150 of *The Loan and Trust Corporations Act*, as amended by section 7 of *The Loan and Trust Corporations Amendment Act, 1965* and section 15 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Annual return

150.—(1) Every trust company receiving deposits or receiving funds for guaranteed investment shall make a return to the Registrar on or before the 31st day of January in each year drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds and showing all securities, including loans on securities and cash, and money on deposit ear-marked and set aside as provided in subsection 2 of section 80 and subsection 3 of section 82 as such amounts stood on the 31st day of December next preceding, and stating that they were on such date so ear-marked and set aside.

Semi-annual return

(2) Every trust company shall prepare a statement in the form prescribed by the Registrar as at the last day of June and of December in each year showing the changes in investments and loans of the company during the preceding half-year.

Quarterly statement

(3) Every trust company shall prepare a statement in the form prescribed by the Registrar as at the last day of March, June, September and December in each year showing the amount of cash and securities required to be maintained under section 84 and the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days.

Verification of statements

(4) The statements mentioned in subsections 2 and 3 shall be verified by a certificate of a responsible officer of the trust company and shall be filed with the Registrar within thirty-one days after the date as at which they are made up.

R.S.O. 1960, c. 222, s. 151 (1966, c. 81, s. 16), amended

50. Section 151 of *The Loan and Trust Corporations Act*, as re-enacted by section 16 of *The Loan and Trust Corporations Amendment Act, 1966*, is amended by adding thereto the following subsections:

Semi-annual return

(2) Every loan corporation shall prepare a statement in the form prescribed by the Registrar as of the last day of June and of December in each year showing the changes in investments and loans of the corporation during the preceding half-year.

Verification

(3) The statements mentioned in subsections 1 and 2 shall be verified by a certificate of a responsible officer of the loan corporation and shall be filed with the Registrar within thirty-one days after the date as at which they are made up.

Commencement

51. This Act comes into force on the day it receives Royal Assent.

Short title

52. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1970.* (No. 2)

The Loan and Trust Corporations Act

1st Reading

November 3rd, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 10th, 1970

MR. LAWRENCE (Carleton East)

1970

BILL 222

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Highway Traffic Act

MR. PATERSON

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The amendment requires that in addition to the slow-moving vehicle sign presently required, a flashing amber light on top and two red lights at the rear be displayed on farm tractors and self-propelled implements of husbandry when operated on a highway between sunset and sunrise.

Section 2. Addiction to drugs by a patient is specifically added as a condition to be reported by a doctor to the Registrar of Motor Vehicles, where in his opinion the addiction may make it dangerous for the patient to operate a motor vehicle.

BILL 222 **1970**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 42*a* of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1968* and amended by section 30 of *The Highway Traffic Amendment Act, 1968-69*, is further amended by inserting after "thereof" in the fourth line "and shall when operated on a highway at any time from one-half hour after sunset to one-half hour before sunrise be equipped with a flashing amber light mounted at the top rear thereof and shall display not less than two red lights at the rear thereof", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 42*a* (1968, c. 50, s. 9), subs. 1, amended

(1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof and shall when operated on a highway at any time from one-half hour after sunset to one-half hour before sunrise be equipped with a flashing amber light mounted at the top rear thereof and shall display not less than two red lights at the rear thereof in accordance with the regulations, except when directly crossing a highway. Slow moving vehicle signs and lights

2. Subsection 1 of section 145*a* of *The Highway Traffic Act*, as re-enacted by section 25 of *The Highway Traffic Amendment Act, 1968*, is amended by striking out "a condition that may" in the sixth and seventh lines and inserting in lieu thereof "such a condition or is so addicted to the use of drugs as to", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 145*a* (1968, c. 50, s. 25), subs. 1, amended

(1) Every legally qualified medical practitioner shall report to the Registrar the name, address and clinical condition of every person sixteen years of Report of medical practitioner

age or over attending upon the medical practitioner for medical services who in the opinion of such medical practitioner is suffering from such a condition or is so addicted to the use of drugs as to make it dangerous for such person to operate a motor vehicle.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Highway Traffic Amendment Act, 1970.*

The Highway Traffic Act

1st Reading

November 3rd, 1970

2nd Reading

3rd Reading

MR. PATERSON

1970

BILL 223

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Consumer Protection Act, 1966

MR. SHULMAN

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

This Bill introduces the concept of strict liability for the manufacturing, selling or leasing of defective consumer products.

BILL 223 **1970**

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act, 1966* is amended by adding thereto the following Part: 1966, c. 23, amended

PART IIIA

CONSUMER PRODUCT LIABILITY

28*a*. In this Part, Interpretation

(*a*) "consumer" means a person who purchases goods for personal, family or household purposes, but does not include a person who purchases for the purpose of carrying on business;

(*b*) "consumer product" means any product intended for or customarily used for personal, family or household purposes;

(*c*) "damage" includes physical or emotional injury, property damage or economic loss to a consumer;

(*d*) "defect" or "defective condition" means any aspect, characteristic, or design of a product, inherent or otherwise, which makes the product dangerous.

28*b*. A manufacturer, seller or lessor of any consumer product in a defective condition is liable to a consumer for damage caused by the defective condition unless the consumer, Strict liability

(*a*) knew or reasonably should have known of the defect;

(*b*) knew or reasonably should have known the magnitude of the risk and the potential for harm presented by the defect; or

(*c*) has misused the product in a manner reasonably unforeseeable within the general usage of the product.

Warning

28*c*. In determining questions of knowledge, the effect of a warning is not to be taken into account in the case of a product reasonably anticipated to be used primarily by children.

Burden of proof

28*d*.—(1) A defect shown to have existed in a consumer product at the time of injury is admissible in evidence and is *prima facie* proof that the defect existed in the product when it left the control of the manufacturer.

Malfunction

(2) A malfunction of the product is admissible in evidence and is *prima facie* proof of a defect.

Seller liability

28*e*.—(1) Where a seller or lessor of a defective consumer product fails upon request from a consumer or his agent to reveal any information available to him as to the manufacture and distribution of the defective product, he is liable under this Act to the same extent as a manufacturer.

Idem

(2) Any seller or lessor of a consumer product, found liable under section 28*b*, has full rights of recovery against the manufacturer of such consumer product to the full extent that the seller or lessor has been found liable to the consumer, unless the defect is the result of some action or inaction of the seller or lessor.

Right of recovery

28*f*. Nothing in this Act limits in any way any rights of recovery, either in tort or in contract, at common law or by any statute of Canada or statute of Ontario.

Compliance with safety codes

28*g*.—(1) Compliance with any federal, provincial or municipal safety code, standard or regulation is not a defence to an action brought under this Act.

(2) Failure to comply with any federal, provincial or municipal safety code, standard or regulation is *prima facie* proof that the product is defective within the definition of clause *d* of section 28*a*. Failure to comply with safety codes

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Consumer Protection Amendment Act, 1970*. Short title

The Consumer Protection Act, 1966

1st Reading

November 3rd, 1970

2nd Reading

3rd Reading

MR. SHULMAN

1970

BILL 224

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Drainage Act, 1962-63

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. See note to section 2 of the Bill.

Section 2. The requirement that the clerk read aloud the engineer's report at the council meeting held to consider it is deleted as a copy of the report will have been sent under the provisions of section 1 of the Bill to the persons affected.

BILL 224 **1970**

An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Drainage Act, 1962-63*, as amended by section 4 of *The Drainage Amendment Act, 1968*, is further amended by adding thereto the following subsection: 1962-63, c. 39, s. 24, amended

(4*a*) The clerk of the initiating municipality and the clerk of every other local municipality shall send a copy of the report with each notice that is sent under subsections 2, 3 and 4, provided that where a copy of the report is sent under subsection 1 it is not necessary to send a further copy to the same party under this subsection. Copy of report to accompany notice

2. Section 25 of *The Drainage Act, 1962-63* is amended by striking out "cause the report to be read aloud by the clerk" in the second and third lines and inserting in lieu thereof "consider the report", so that the section shall read as follows: 1962-63, c. 39, s. 25, amended

25. The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. Consideration of report

1962-63, c. 39, s. 29*a* (1968-69, c. 32, s. 2), subs. 1, amended

3. Subsection 1 of section 29*a* of *The Drainage Act, 1962-63*, as enacted by section 2 of *The Drainage Amendment Act, 1968-69*, is amended by inserting after "of" where it occurs the second time in the first line "three or", so that the subsection shall read as follows:

Court of revision

(1) The court of revision shall consist of three or five members appointed by the council of the municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

1962-63, c. 39, s. 32, amended

4. Section 32 of *The Drainage Act, 1962-63*, is amended by adding thereto the following subsection:

Application of 1968-69, c. 6

(1*a*) The provisions of *The Assessment Act, 1968-69*, as to appeals to the judge under section 55 of that Act apply *mutatis mutandis* to an appeal under subsection 1, except that the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner and the clerk upon receipt of such notice shall thereupon perform the duties of the regional registrar.

1962-63, c. 39, s. 40, subs. 6 (1968, c. 33, s. 6, subs. 1), amended

5. Subsection 6 of section 40 of *The Drainage Act, 1962-63*, as enacted by subsection 1 of section 6 of *The Drainage Amendment Act, 1968*, is amended by striking out "except a school maintained in whole or in part by a legislative grant or a school tax" in the fourteenth and fifteenth lines and inserting in lieu thereof "and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*", so that the subsection shall read as follows:

Land exempt from taxation to be specially assessed

(6) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be specially assessed, and the special assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such special assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*, R.S.O. 1960, c. 361, shall be paid by the owners of the land.

SECTION 3. Council may constitute a court of revision consisting of three members or of five members as is provided in *The Local Improvement Act.*

SECTION 4. The amendment provides the procedure to be followed on appeals from the court of revision to the county judge.

SECTION 5. The amendment makes school boards liable to pay the special assessments imposed upon land owned by them.

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent. Commencement

(2) Section 5 comes into force on the 1st day of January, 1971. Idem

7. This Act may be cited as *The Drainage Amendment Act, 1970*. Short title

The Drainage Act, 1962-63

1st Reading

November 4th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 224

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Drainage Act, 1962-63

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 224 **1970**

An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Drainage Act, 1962-63*, as amended by section 4 of *The Drainage Amendment Act, 1968*, is further amended by adding thereto the following subsection: 1962-63, c. 39, s. 24, amended

(4*a*) The clerk of the initiating municipality and the clerk of every other local municipality shall send a copy of the report with each notice that is sent under subsections 2, 3 and 4, provided that where a copy of the report is sent under subsection 1 it is not necessary to send a further copy to the same party under this subsection. Copy of report to accompany notice

2. Section 25 of *The Drainage Act, 1962-63* is amended by striking out "cause the report to be read aloud by the clerk" in the second and third lines and inserting in lieu thereof "consider the report", so that the section shall read as follows: 1962-63, c. 39, s. 25, amended

25. The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. Consideration of report

1962-63, c. 39, s. 29*a* (1968-69, c. 32, s. 2), subs. 1, amended

3. Subsection 1 of section 29*a* of *The Drainage Act, 1962-63*, as enacted by section 2 of *The Drainage Amendment Act, 1968-69*, is amended by inserting after "of" where it occurs the second time in the first line "three or", so that the subsection shall read as follows:

Court of revision

(1) The court of revision shall consist of three or five members appointed by the council of the municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

1962-63, c. 39, s. 32, amended

4. Section 32 of *The Drainage Act, 1962-63*, is amended by adding thereto the following subsection:

Application of 1968-69, c. 6

(1*a*) The provisions of *The Assessment Act, 1968-69*, as to appeals to the judge under section 55 of that Act apply *mutatis mutandis* to an appeal under subsection 1, except that the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner and the clerk upon receipt of such notice shall thereupon perform the duties of the regional registrar.

1962-63, c. 39, s. 40, subs. 6 (1968, c. 33, s. 6, subs. 1), amended

5. Subsection 6 of section 40 of *The Drainage Act, 1962-63*, as enacted by subsection 1 of section 6 of *The Drainage Amendment Act, 1968*, is amended by striking out "except a school maintained in whole or in part by a legislative grant or a school tax" in the fourteenth and fifteenth lines and inserting in lieu thereof "and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*", so that the subsection shall read as follows:

Land exempt from taxation to be specially assessed

(6) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be specially assessed, and the special assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such special assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*, R.S.O. 1960, c. 361, shall be paid by the owners of the land.

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent. Commencement

(2) Section 5 comes into force on the 1st day of January, 1971. Idem

7. This Act may be cited as *The Drainage Amendment Act, 1970*. Short title

1st Reading

November 4th, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

MR. MCKEOUGH

1970

BILL 225

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The provisions respecting the issue of Provincial debentures to OMERS are revised so that the debentures will bear interest equal to at least the weighted average yield to maturity of Provincial debentures and bonds.

BILL 225 **1970**

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as re-enacted by section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1968*, is amended by inserting after "year" in the first line "to and including the year 1969", so that the subsection, exclusive of the clauses, shall read as follows: 1961-62, c. 97, s. 7, subs. 1 (1968, c. 88, s. 1), amended

(1) In each year to and including the year 1969, the Treasurer of Ontario shall issue Province of Ontario debentures to become due and payable on the 31st day of December, 1973 for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, and, Issue of Ontario debentures

. . . . . .

(2) Clause *b* of subsection 1 of the said section 7 is amended by striking out "1973" in the fourth line and inserting in lieu thereof "1969", so that the clause shall read as follows: 1961-62, c. 97, s. 7, subs. 1 (1968, c. 88, s. 1), cl. *b*, amended

(*b*) such debentures issued during the period commencing on the first day of January, 1968, and ending on the 31st day of December, 1969, shall bear interest at the rate of 6½ per cent per annum payable half-yearly.

(3) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor: 1961-62, c. 97, s. 7, subss. 3, 4, re-enacted

Debenture authorized

(3) Commencing with the year 1970, the Treasurer of Ontario shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in such year and such debenture to be for a term of not less than twenty years and not more than thirty years.

Yield and term of debenture

(4) For the purposes of subsection 3, the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in a calendar year and the term of the debenture to be issued to the Board shall be as agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1970.*

The Ontario Municipal Employees
Retirement System Act, 1961-62

1st Reading

November 4th, 1970

2nd Reading

3rd Reading

Mr. McKeough

1970

BILL 225

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 225 **1970**

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as re-enacted by section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1968*, is amended by inserting after "year" in the first line "to and including the year 1969", so that the subsection, exclusive of the clauses, shall read as follows: 1961-62, c. 97, s. 7, subs. 1 (1968, c. 88, s. 1), amended

(1) In each year to and including the year 1969, the Treasurer of Ontario shall issue Province of Ontario debentures to become due and payable on the 31st day of December, 1973 for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, and, Issue of Ontario debentures

. . . . .

(2) Clause *b* of subsection 1 of the said section 7 is amended by striking out "1973" in the fourth line and inserting in lieu thereof "1969", so that the clause shall read as follows: 1961-62, c. 97, s. 7, subs. 1 (1968, c. 88, s. 1), cl. *b*, amended

(*b*) such debentures issued during the period commencing on the first day of January, 1968, and ending on the 31st day of December, 1969, shall bear interest at the rate of 6½ per cent per annum payable half-yearly.

(3) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor: 1961-62, c. 97, s. 7, subss. 3, 4, re-enacted

Debenture authorized

(3) Commencing with the year 1970, the Treasurer of Ontario shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in such year and such debenture to be for a term of not less than twenty years and not more than thirty years.

Yield and term of debenture

(4) For the purposes of subsection 3, the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in a calendar year and the term of the debenture to be issued to the Board shall be as agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1970.*

An Act to amend
The Ontario Municipal Employees
Retirement System Act, 1961-62

1st Reading

November 4th, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

MR. MCKEOUGH

1970

BILL 226

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regional Municipality of York Act, 1970

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

A reference to police villages is added to preserve the existing speed limits therein.

BILL 226 **1970**

An Act to amend The Regional Municipality of York Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 177 of *The Regional Municipality of York Act, 1970* is repealed and the following substituted therefor: 1970, c. 50, s. 177, subs. 1, re-enacted

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, form part of a town, village or township municipality or police village, shall be deemed to continue to form part of a town, village or township municipality or police village. Existing speed limits continued R.S.O. 1960, c. 172

(2) Subsection 3 of the said section 177 is amended by inserting after "municipality" in the first line "or by the trustees of a police village", so that the subsection shall read as follows: 1970, c. 50, s. 177, subs. 3, amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto. Existing speed limits continued R.S.O. 1960, c. 172

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regional Municipality of York Amendment Act, 1970*. Short title

An Act to amend
The Regional Municipality of
York Act, 1970

1st Reading

November 4th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 226

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Regional Municipality of York Act, 1970

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 226 **1970**

An Act to amend The Regional Municipality of York Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 177 of *The Regional Municipality of York Act, 1970* is repealed and the following substituted therefor: 1970, c. 50, s. 177, subs. 1, re-enacted

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, form part of a town, village or township municipality or police village, shall be deemed to continue to form part of a town, village or township municipality or police village. Existing speed limits continued R.S.O. 1960, c. 172

(2) Subsection 3 of the said section 177 is amended by inserting after "municipality" in the first line "or by the trustees of a police village", so that the subsection shall read as follows: 1970, c. 50, s. 177, subs. 3, amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto. Existing speed limits continued R.S.O. 1960, c. 172

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regional Municipality of York Amendment Act, 1970*. Short title

An Act to amend
The Regional Municipality of
York Act, 1970

1st Reading

November 4th, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

MR. MCKEOUGH

1970

BILL 227

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend
The Municipality of Metropolitan Toronto Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Authority is conferred on the Metropolitan Council to establish and maintain lock-up houses.

Section 2. The amendments provide the following:

1. For the payment by the Metropolitan Corporation of the employer's share of the cost of any improved benefits under the pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, in respect of the past service of Metro employees formerly employed by any of those bodies who have elected to remain in its pension plan.

2. For the appointment of an actuary to determine the cost of such benefits where the amount thereof or the time of its payment cannot be agreed upon by the municipalities or local boards affected.

3. For the transfer by a Metro employee, formerly employed by an area municipality or a local board thereof or the County of York or the Toronto and York Roads Commission, who has joined the Metro pension plan, of the moneys standing to his credit in the pension plan of his former employer to the Metro pension plan, the moneys to be paid either when the employee terminates his employment with Metro, or, at the option of the former employer, at any earlier date.

BILL 227 **1970**

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1967* is amended by inserting after "280" in the second line "372, 373", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 1 (1967, c. 58, s. 1), amended

(1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, 372, 373, paragraphs 61 and 62 of section 377 and section 406*a* of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249

2. Section 24 of *The Municipality of Metropolitan Toronto Act*, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*, section 2 of *The Municipality of Metropolitan Toronto Amendment Act, 1965* and section 7 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 24, amended

(4*a*) Where a pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission is amended to improve the pension benefits under the plan, the cost of such improvements in respect of an employee who on the day such pension plan is so amended is contributing under subsection 4 to the pension plan, shall, in respect of the service of the employee while employed by the Metropolitan Corporation or by a local board thereof, be determined by the actuary of the plan that is amended, after taking into consideration any excess of the assets of the pension plan over the actuarial liabilities of the plan immediately prior to Improved pension benefits

the amendment, and the cost, except that portion, if any, that is payable by the employee, shall be payable by the Metropolitan Corporation or by a local board thereof over such period of time, subject to *The Pension Benefits Act, 1965*, as may be agreed upon by the municipalities or local boards affected.

1965, c. 96

Idem

(4*b*) Where the Metropolitan Corporation or a local board thereof does not accept the amount of the actuarial liability determined as provided for in subsection 4*a* or the period of time in which the cost mentioned in subsection 4*a* is payable, the municipalities or local boards affected shall appoint an actuary whose opinion on the matter shall be final and binding and, if such municipalities or local boards cannot agree on the appointment of an actuary, the Department shall appoint an actuary whose opinion on the matter shall be final and binding.

. . . . .

Transfer of funds to Metropolitan Toronto plan

(5*a*) An employee who has become a member of the pension plan of the Metropolitan Corporation or of a local board thereof in accordance with subsection 3 is entitled to elect a transfer of a sum of money to such pension plan from the pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, in accordance with the provisions of subsection 5 of section 248*c* of *The Municipal Act*, whether or not such an employee is entitled to a refund from the pension plan of his contributions plus any interest thereon and, on the transfer of such a sum of money, the employee and his beneficiaries shall cease to have any rights under the pension plan of the area municipality or the local board thereof or of the County of York or of the Toronto and York Roads Commission.

R.S.O. 1960, c. 249

Idem

(5*b*) Where an employee elects a transfer of a sum of money under subsection 5*a*, the sum of money shall be transferred on the termination of the service of the employee with the Metropolitan Corporation or a local board thereof or, at the option of the area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, at an earlier date.

R.S.O. 1960, c. 260, s. 110, subs. 6, re-enacted

3.—(1) Subsection 6 of section 110 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

SECTION 3—Subsection 1. The prohibition against the appointment to the T.T.C. of a member of the Metropolitan Council or a member of the council of an area municipality is removed. Where a member of the Metropolitan Council is appointed to the T.T.C., his term of office is not to extend beyond that of his term of office on the Metropolitan Council.

Subsection 2. The amendment is required in view of the provisions of subsection 4*b* of section 110 empowering the Metropolitan Council to reduce the membership of the T.T.C. to three persons.

SECTION 4. The Metropolitan Council is substituted for the Lieutenant Governor in Council as the authority to appoint members and alternate members to the sinking fund committee and fix the remuneration of the members.

(6) Notwithstanding subsection 4, where a member of the Metropolitan Council is appointed as a member of the Commission he shall not be appointed for a term of office extending beyond his term of office on the Council, and he shall cease to be a member of the Commission upon ceasing to be a member of the Metropolitan Council. Term of office where member is member of Metropolitan Council

(2) Subsection 10 of the said section 110 is amended by striking out "Three" in the first line and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 110, subs. 10, amended

(10) A majority of the members of the Commission constitute a quorum. Quorum

4.—(1) Subsection 22 of section 238 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "Lieutenant Governor in Council" in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Metropolitan Council", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 238, subs. 22, amended

(22) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Metropolitan Council, and the two appointed members shall be paid, out of the current fund of the Metropolitan Corporation, such annual remuneration as the Metropolitan Council may determine. Sinking fund committee

(2) Subsection 23 of the said section 238 is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Metropolitan Council", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 238, subs. 23, amended

(23) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1970 (No. 2)*. Short title

The Municipality of Metropolitan Toronto Act

1st Reading

November 4th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 227

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend
The Municipality of Metropolitan Toronto Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 227 **1970**

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1967* is amended by inserting after "280" in the second line "372, 373", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 17, subs. 1 (1967, c. 58, s. 1), amended

(1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, 372, 373, paragraphs 61 and 62 of section 377 and section 406*a* of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249

2. Section 24 of *The Municipality of Metropolitan Toronto Act*, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*, section 2 of *The Municipality of Metropolitan Toronto Amendment Act, 1965* and section 7 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 24, amended

(4*a*) Where a pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission is amended to improve the pension benefits under the plan, the cost of such improvements in respect of an employee who on the day such pension plan is so amended is contributing under subsection 4 to the pension plan, shall, in respect of the service of the employee while employed by the Metropolitan Corporation or by a local board thereof, be determined by the actuary of the plan that is amended, after taking into consideration any excess of the assets of the pension plan over the actuarial liabilities of the plan immediately prior to Improved pension benefits

the amendment, and the cost, except that portion, if any, that is payable by the employee, shall be payable by the Metropolitan Corporation or by a local board thereof over such period of time, subject to *The Pension Benefits Act, 1965*, as may be agreed upon by the municipalities or local boards affected.

1965, c. 96

Idem

(4*b*) Where the Metropolitan Corporation or a local board thereof does not accept the amount of the actuarial liability determined as provided for in subsection 4*a* or the period of time in which the cost mentioned in subsection 4*a* is payable, the municipalities or local boards affected shall appoint an actuary whose opinion on the matter shall be final and binding and, if such municipalities or local boards cannot agree on the appointment of an actuary, the Department shall appoint an actuary whose opinion on the matter shall be final and binding.

. . . . .

Transfer of funds to Metropolitan Toronto plan

(5*a*) An employee who has become a member of the pension plan of the Metropolitan Corporation or of a local board thereof in accordance with subsection 3 is entitled to elect a transfer of a sum of money to such pension plan from the pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, in accordance with the provisions of subsection 5 of section 248*c* of *The Municipal Act*, whether or not such an employee is entitled to a refund from the pension plan of his contributions plus any interest thereon and, on the transfer of such a sum of money, the employee and his beneficiaries shall cease to have any rights under the pension plan of the area municipality or the local board thereof or of the County of York or of the Toronto and York Roads Commission.

R.S.O. 1960, c. 249

Idem

(5*b*) Where an employee elects a transfer of a sum of money under subsection 5*a*, the sum of money shall be transferred on the termination of the service of the employee with the Metropolitan Corporation or a local board thereof or, at the option of the area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, at an earlier date.

R.S.O. 1960, c. 260, s. 110, subs. 6, re-enacted

3.—(1) Subsection 6 of section 110 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

(6) Notwithstanding subsection 4, where a member of the Metropolitan Council is appointed as a member of the Commission he shall not be appointed for a term of office extending beyond his term of office on the Council, and he shall cease to be a member of the Commission upon ceasing to be a member of the Metropolitan Council. Term of office where member is member of Metropolitan Council

(2) Subsection 10 of the said section 110 is amended by striking out "Three" in the first line and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 110, subs. 10, amended

(10) A majority of the members of the Commission constitute a quorum. Quorum

4.—(1) Subsection 22 of section 238 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "Lieutenant Governor in Council" in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Metropolitan Council", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 238, subs. 22, amended

(22) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Metropolitan Council, and the two appointed members shall be paid, out of the current fund of the Metropolitan Corporation, such annual remuneration as the Metropolitan Council may determine. Sinking fund committee

(2) Subsection 23 of the said section 238 is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Metropolitan Council", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 238, subs. 23, amended

(23) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1970 (No. 2)*. Short title

Toronto Act

1st Reading

November 4th, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 9th, 1970

MR. MCKEOUGH

1970

BILL 228

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting Facilities for Persons Suffering from Alcoholism, Addiction to Drugs or Mental or Emotional Disorders

MR. PATERSON

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for governing, regulating and licensing centres where persons are treated for alcoholism, drug addiction or emotional disorders.

BILL 228 **1970**

An Act respecting Facilities for Persons Suffering from Alcoholism, Addiction to Drugs or Mental or Emotional Disorders

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Director" means the Director of the Mental Health Division of the Department of Health;

(*b*) "mental health centre" or "centre" means premises, facilities and services provided for persons suffering from alcoholism or addiction to drugs or suffering from mental or emotional disorders, but does not include a centre to which *The Children's Mental Health Centres Act, 1968-69* applies, a psychiatric facility under *The Mental Health Act, 1967* or a hospital, clinic or centre established, conducted, managed or operated by the Foundation established under *The Alcoholism and Drug Addiction Research Foundation Act, 1965*; 1968-69, c. 10, 1967, c. 51, 1965, c. 2

(*c*) "Minister" means the Minister of Health;

(*d*) "regulations" means the regulations made under this Act.

2. No person shall establish, operate or maintain a centre except under the authority of a licence issued by the Director, and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations. Licences required

3. The Director may refuse to issue a licence where the proposed operation would be in contravention of this Act or the regulations. Refusal to issue

Revocation of licences

4. Subject to sections 6 to 12, the Director may revoke a licence where the centre is operated,

(*a*) in contravention of this Act or the regulations;

(*b*) in breach of a condition of the licence; or

(*c*) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or the persons in the centre.

Licensing Review Board

5.—(1) The Lieutenant Governor in Council shall appoint a Board, consisting of not more than five members, to be known as the Licensing Review Board, and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Licensing Review Board constitute a quorum.

Refusal to issue or revocation

6.—(1) Where the Director refuses to issue or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board.

Hearing by Board

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice

(3) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

7.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. Parties

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence. Failure to attend

8.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds, Adjournment

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of any person as a witness. Subpoenas

(3) The Board may require any person, Oaths

(*a*) to give evidence on oath or by affirmation at a hearing; and

(*b*) to produce such documents and things as the Board requires.

(4) The Board may admit evidence not given under oath. Idem

(5) Any person who, without lawful excuse, Offences

(*a*) on being duly summoned as a witness before the Board, makes default in attending; or

(*b*) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered Enforcement

in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

9.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings public

(4) All hearings shall be open to the public except where, in the opinion of the Board, it would not be in the best interests of a person in a centre, in which case the Board shall hold the hearing or part thereof affecting such matter *in camera*.

Exclusion of counsel

(5) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Evidence

10.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Release of exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Powers of Board

11.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

Decision to be in writing

(2) The decision of the Board, including the reasons therefor, shall be in writing.

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of decision

12.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. Idem

13.—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations. Inspectors

(2) Every centre and its books and records shall at all reasonable times be open to inspection by an inspector. Powers

(3) Where an inspector believes on reasonable grounds that any premises are being used for the purposes of a mental health centre he may at any reasonable time, and from time to time, enter and inspect such premises and every part thereof. Idem

14. Any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000. Offence

Regulations

15. The Lieutenant Governor in Council may make regulations,

(*a*) providing for issuing of licences or provisional licences for centres and prescribing the terms and conditions of licences;

(*b*) governing the management, conduct, operation and use of centres;

(*c*) governing and prescribing the accommodation, facilities, equipment and services in centres;

(*d*) providing for the officers and staff of centres and their qualifications;

(*e*) governing the establishment, location and construction of centres and their alteration and renovation;

(*f*) prescribing the duties and qualifications of inspectors;

(*g*) requiring persons operating centres to furnish such information and returns as are prescribed;

(*h*) prescribing forms for the purposes of this Act and the regulations and providing for their use.

Commencement

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Alcoholism, Drug Addiction and Mental Health Centres Act, 1970.*

An Act respecting Facilities
for Persons Suffering from
Alcoholism, Addiction to Drugs
or Mental or Emotional Disorders

1st Reading

November 4th, 1970

2nd Reading

3rd Reading

MR. PATERSON

1970

BILL 229

3rd Session, 28th Legislature, Ontario
19 Elizabeth II, 1970

An Act to amend The Public Service Act, 1961-62

Mr. Welch

TORONTO
Printed and Published by William Kinmond, Queen's Printer and Publisher

Explanatory Note

The amendments are complementary to Bill 217, An Act to provide for Collective Bargaining for Crown Employees.

BILL 229 **1970**

An Act to amend The Public Service Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 1 of *The Public Service Act, 1961-62*, as enacted by section 1 of *The Public Service Amendment Act, 1962-63*, is amended by striking out "the Workmen's Compensation Board" in the fourth and fifth lines, so that the clause shall read as follows: 1961-62, c. 121, s. 1, cl. *da* (1962-63, c. 118, s. 1), amended

(*da*) "Crown employee" means a person employed in the service of the Crown or any agency of the Crown, but does not include an employee of The Hydro-Electric Power Commission of Ontario or the Ontario Northland Transportation Commission.

2. Clause *b* of section 4 of *The Public Service Act, 1961-62*, as amended by section 1 of *The Public Service Amendment Act, 1968*, is repealed and the following substituted therefor: 1961-62, c. 121, s. 4, cl. *b*, re-enacted

(*b*) recommend to the Lieutenant Governor in Council the salary range for each classification, except a previously established classification for which a salary range is determined through bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1970*. 1970, c.—

3. Section 19*a* of *The Public Service Act, 1961-62*, as enacted by section 6 of *The Public Service Amendment Act, 1962-63* and amended by section 2 of *The Public Service Amendment Act, 1966* and section 2 of *The Public Service Amendment Act, 1968*, is repealed. 1961-62, c. 121, s. 19*a* (1962-63, c. 118, s. 6), repealed

4. Section 19*b* of *The Public Service Act, 1961-62*, as enacted by section 6 of *The Public Service Amendment Act, 1962-63* and amended by section 3 of *The Public Service Amendment Act, 1966*, is repealed. 1961-62, c. 121, s. 19*b* (1962-63, c. 118, s. 6), repealed

1961-62, c. 121, s. 20, subs. 1, cl. *b*, re-enacted

5. Clause *b* of subsection 1 of section 20 of *The Public Service Act, 1961-62*, as amended by section 3 of *The Public Service Amendment Act, 1968*, is repealed and the following substituted therefor:

(*b*) prescribing classifications for positions, including qualifications, duties and salaries, except salaries for previously established classifications for which salaries are determined through bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1970*.

1970, c.—

1961-62, c. 121, s. 20, subs. 1, cl. *r* (1962-63, c. 118, s. 7, subs. 3), repealed

6. Clause *r* of subsection 1 of the said section 20, as re-enacted by subsection 3 of section 7 of *The Public Service Amendment Act, 1962-63* and amended by subsection 2 of section 5 of *The Public Service Amendment Act, 1965*, is repealed.

Commencement

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Public Service Amendment Act, 1970*.

The Public Service Act, 1961-62

1st Reading

November 5th, 1970

2nd Reading

3rd Reading

MR. WELCH

1970

BILL 230

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Insurance Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The definition of actuary is moved from Part X by section 15 of this Bill and redefined to recognize The Canadian Institute of Actuaries.

SECTION 2. Complementary to section 17 of this Bill.

SECTION 3. Self-explanatory.

SECTION 4. The capital requirements for the licencing of insurers in the case of life insurers is increased from the existing requirement of $500,000 of capital and $500,000 of unimpaired surplus to $2,000,000 of capital of which at least $1,000,000 is paid up and at least $500,000 is unimpaired surplus. In the case of other than life insurers, the licencing requirement of unimpaired surplus of not less than $100,000 is now changed to a minimum capital requirement of not less than $1,000,000 of which at least $500,000 is paid up capital and at least $250,000 is unimpaired surplus.

BILL 230 **1970**

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1961-62*, section 1 of *The Insurance Amendment Act, 1964*, section 1 of *The Insurance Amendment Act, 1966* and section 1 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 190, s. 1, amended

1*b*. "actuary" means a Fellow of the Canadian Institute of Actuaries.

2. Subsection 2 of section 18 of *The Insurance Act* is amended by striking out "*The Corporations Act*" in the third line and inserting in lieu thereof "this Act", so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 18, subs. 2, amended

(2) In his annual report the Superintendent shall allow as assets only such of the investments of the several insurers as are authorized by this Act, or by their Acts or instruments of incorporation, or by the general Acts applicable to such investments. Permissible investments

3. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960, c. 190, amended

18*a*. The Superintendent may publish from time to time notices, reports, correspondence, results of hearings, decisions and any other matter considered by the Superintendent to be in the public interest. Publication by Superintendent

4.—(1) Subsection 1 of section 29 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 29, subs. 1 (1966, c. 71, s. 4), re-enacted

Capital requirements for licence

(1) A licence shall not be granted to a joint stock insurance company unless the company furnishes to the Superintendent satisfactory evidence that,

(*a*) if the company is applying for a licence to transact the business of life insurance, the company has paid up capital and surplus of not less than $2,000,000, or such greater amount as the Minister in the circumstances may require, of which at least $1,000,000 is paid up capital and at least $500,000 is unimpaired surplus; and

(*b*) if the company is applying for a licence to transact any class or classes of business other than life insurance, the company has paid up capital and surplus of not less than $1,000,000, or such greater amount as the Minister in the circumstances may require, of which at least $500,000 is paid up capital and at least $250,000 is unimpaired surplus.

Application of subs. 1

(2) Subsection 1 does not apply to a joint stock company licensed before the 1st day of January, 1971.

R.S.O. 1960, c. 190, s. 32, subs. 3, re-enacted

5. Subsection 3 of section 32 of *The Insurance Act* is repealed and the following substituted therefor:

Conditions precedent to issue of licence R.S.O. 1960, c. 71

(3) The Minister shall not issue the licence until he is satisfied that all the requirements of this Act and of *The Corporations Act* as to the subscriptions for shares in the capital of the insurer, the payment of money by shareholders on account of their subscriptions, the election of directors and other preliminaries have been complied with, and unless he is satisfied that the expenses of incorporation and organization, including any commission payable in connection with subscriptions for shares in the capital of the insurer, are reasonable.

R.S.O. 1960, c. 190, s. 34, subs. 2, re-enacted

6. Subsection 2 of section 34 of *The Insurance Act* is repealed and the following substituted therefor:

Term of licence

(2) The licence expires on the 30th day of June in each year, subject to renewal by the Superintendent on or before that date.

Conditions of licence

(3) Any licence may be issued or renewed subject to such limitations or conditions as the Minister considers appropriate.

SECTION 5. The amendment replaces reference to capital stock to reference to capital.

SECTION 6. The amendment extends the Minister's power to impose limitations and conditions on licences.

SECTION 7. The new provisions enable the Superintendent to take control of an insurer, under certain conditions, to determine the degree of its financial difficulties and, if necessary, to manage it for rehabilitation purposes.

(4) Notwithstanding subsections 2 and 3, the Minister may at any time and in respect of any licence of an insurer, Variation of licence

(*a*) reduce the term for which the licence was issued or renewed;

(*b*) impose any conditions or limitations relating to the carrying on of the insurer's business that he considers appropriate; or

(*c*) vary, amend or revoke any condition or limitation to which the licence is then subject,

but the Minister may not exercise any power granted under this subsection until he has given the insurer notice of his intention to exercise such power and has afforded the insurer a reasonable opportunity to be heard with respect thereto.

7. *The Insurance Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 190, amended

37a.—(1) Where it comes to the attention of the Superintendent that an insurer incorporated or organized under the laws of Ontario may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Superintendent is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such insurer and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section 37*b*. Assets not accounted for

(2) The Superintendent may release any assets under his possession and control that he considers advisable for the purposes of the insurer. Release of assets

37b.—(1) Where the Superintendent is of the opinion that the assets of an insurer incorporated or organized under the laws of Ontario are not sufficient to justify its continuance in business or to provide for its obligations under its policies he shall so report to the Minister. Report to Minister

Remedial powers of the Minister

(2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the insurer to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Superintendent under subsection 1, the Minister may do one or both of the following,

(*a*) make the insurer's licence subject to such limitations or conditions as he considers appropriate;

(*b*) prescribe a time within which the insurer shall make good any deficiency of assets.

Subsequent action

(3) If the insurer fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension thereof subsequently given by the Minister, the Minister shall submit the report of the Superintendent to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Superintendent to take possession and control of the assets of the insurer and the Superintendent shall deliver a copy of the order to an officer of the insurer.

Appointment of appraisers

(4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the insurer and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of Superintendent upon taking control

37*c*.—(1) If so ordered by the Lieutenant Governor in Council under section 37*b*, the Superintendent shall take possession and control of the assets of the insurer and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Superintendent has all the powers of the board of directors of the insurer, and, without limiting the generality of the foregoing, the Superintendent may,

(*a*) exclude the directors, officers, servants and agents of the insurer from the premises, property and business of the insurer; and

(*b*) carry on, manage and conduct the operations of the insurer and in the name of the insurer

preserve, maintain, realize, dispose of and add to the property of the insurer, receive the incomes and revenues of the insurer and exercise all the powers of the insurer.

Application to court

(2) While the Superintendent has possession and control of the assets of an insurer under this section, the Minister may direct the Superintendent to apply to the court for an order for the winding up of the insurer under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

Appointment of managers

(3) Where the Superintendent is in possession and control of the assets of an insurer and is conducting its business, he may appoint one or more persons to manage and operate the business of the insurer and,

(*a*) each person so appointed is a representative of the Superintendent; and

(*b*) the remuneration of any such person, other than an employee of the office of the Superintendent, shall be fixed by the Minister.

Relinquishing control

(4) Whenever the Minister believes that an insurer, the assets of which are in the possession and control of the Superintendent, meets all the requirements of this Act and that it is otherwise proper for the insurer to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Where rehabilitation efforts futile

(5) If the Minister, on the report of the Superintendent, considers that further efforts to rehabilitate an insurer, the assets of which are in the possession and control of the Superintendent, would be futile, he may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Expenses of proceedings

(6) The expenses of the Superintendent incurred in rehabilitation proceedings under this section and sections 37*a* and 37*b* shall be paid by all insurers licensed under this Act to carry on business of the same class or classes as the insurer who is the subject

of the proceedings, and the share of each shall be the proportion of the expenses that the net premium income received from the insurer's policyholders in Ontario in its last preceding fiscal year bears to the total net premium income received from the policyholders in Ontario by all insurers of that class in their respective last preceding fiscal years.

Advisory committee

(7) The insurers required to bear the said expenses of the Superintendent may appoint a committee of not more than six members to advise the Superintendent in respect of all matters pertinent to the rehabilitation of the insurer whose assets are in the possession and control of the Superintendent.

Appeal

37d.—(1) Notwithstanding section *37c*, an insurer may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section *37b* within thirty days after the delivery of a copy of the order to an officer of the insurer, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

(2) An order of the Lieutenant Governor in Council under section *37b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material on appeal

(3) The Minister shall certify to the Registrar of the Supreme Court,

(*a*) the decision of the Lieutenant Governor in Council;

(*b*) the reports of the Superintendent to the Minister or the Lieutenant Governor in Council;

(*c*) the record of any hearing; and

(*d*) all written submissions by the appellant to the Superintendent, the Minister or the Lieutenant Governor in Council.

Representation

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

SECTION 8. The new provision ensures that the Superintendent is informed of transfers of shares of an insurance company indicating a transfer of control.

SECTION 9. New provisions are provided respecting the segregated funds of life insurers upon which variable insurance contracts may be issued.

Also an information folder respecting variable insurance contracts is required to be filed with the Superintendent.

(5) Where an appeal is taken under this section, the judge may by order direct the Superintendent to take such action as the judge considers proper or refrain from taking any action specified in the order and the Superintendent shall act accordingly. Order

(6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section. Further decision

8. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960, c. 190, amended

74. No transfers of shares of an insurer shall be entered in the book or books maintained for that purpose until thirty days after notice thereof has been deposited with the Superintendent if, Report on share transfers

(*a*) the transfer relates to 10 per cent or more of the issued shares of the insurer for the time being enjoying voting rights; or

(*b*) the directors have reason to believe that the transfer would result in a majority of the issued shares of the insurer for the time being enjoying voting rights being beneficially owned by any one person.

9. Section 80*a* as enacted by section 3 of *The Insurance Amendment Act, 1961-62* and section 80*b* as enacted by section 5 of *The Insurance Amendment Act, 1962-63*, of the *Insurance Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 80*a* (1961-62, c. 63, s. 3), s. 80*b*. (1962-63, c. 64, s. 5), re-enacted

80*a*.—(1) Any insurer incorporated and licensed under the laws of Ontario to transact the business of life insurance may, Authorization for variable contracts based on segregated funds

(*a*) issue policies for which the reserves vary in amount with the market value of a specified group of assets; and

(*b*) retain for investment,

(i) policy dividends,

(ii) policy proceeds that become payable on surrender or maturity of the policy not less than five years from the date of its issue if the policyholder so directs, and

(iii) policy proceeds that become payable on the death of the policyholder if the policyholder or beneficiary so directs,

on the basis that the liability of the insurer in respect thereof varies in amount with the market value of a specified group of assets,

and the insurer shall maintain in respect of such policies, dividends and proceeds, as the case may be, one or more separate and distinct funds with separate assets for each such fund.

How fund created

(2) For the purpose of creating a separate and distinct fund under subsection 1, an insurer may, if duly authorized by by-law,

(*a*) make a transfer from the shareholders' fund but the amount so transferred shall not exceed the surplus in the shareholders' fund; and

(*b*) make a transfer of assets from one or more life insurance funds, but,

(i) the maximum amount that may be transferred from any life insurance fund is the amount by which 25 per cent of the surplus in that fund exceeds the aggregate of all prior transfers from that fund to all such separate and distinct funds under this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to that fund pursuant to clause *a* of subsection 5; and

(ii) the maximum amount that may be transferred from all life insurance funds is the amount by which 10 per cent of the surplus in those funds or $2,000,000, whichever is the lesser, exceeds the aggregate of all prior transfers from those funds to all such separate and distinct funds pursuant

to this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to all life insurance funds pursuant to clause *a* of subsection 5.

Transfers to fund

(3) For the purpose of maintaining a separate and distinct fund under subsection 1, an insurer may from time to time make transfers from a life insurance fund,

(*a*) to the extent that the assets of the separate and distinct fund are not sufficient to provide for any benefits guaranteed under the terms of the policies for which the separate fund is held; or

(*b*) in any case other than that mentioned in clause *a*, if the insurer provides evidence satisfactory to the Superintendent that such transfers are necessary for the proper administration of the policies or deposits for which the separate fund is held.

Surplus

(4) Where for the purposes of subsection 2 the surplus in any fund is required to be determined, the surplus shall be taken as shown in the most recent annual statement filed with the Superintendent.

Segregation of assets for policies

(5) Where a separate and distinct fund is maintained under subsection 1, the assets of such fund shall, subject to subsection 3, be available only to meet the liabilities arising under the policies or deposits in respect of which such fund is maintained, except that,

(*a*) any amount representing the value of a transfer, or any part thereof, to such separate and distinct fund under subsection 2 or clause *b* of subsection 3, may, with the approval of the Superintendent, be transferred back to the fund or funds from which such transfer was made, and, where there is more than one such fund, the amount transferred back to each shall be that proportion of the whole amount that the amount transferred from that fund to the separate and distinct fund was to the total amount so transferred from all the funds; and

(*b*) any assets, other than assets in respect of a transfer to the separate and distinct fund

under subsection 2 or clause *b* of subsection 3, remaining in the separate and distinct fund after the discharge of all the insurer's liabilities in respect of the policies or deposits for which the fund is maintained, may be transferred to such other fund as the directors may determine.

Value of transfers

(6) For the purposes of clause *b* of subsection 2, the value of any assets transferred to or from a separate and distinct fund shall be taken as the value thereof at the time of transfer to that fund and, for all other purposes, the value from time to time of any assets that have been transferred to a separate and distinct fund maintained under subsection 1 shall be the market value of such assets.

Exception from investment limitations

(7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses *e* and *f* of section 357 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account.

Definition of variable insurance contracts

80*b*.—(1) In this section, "variable insurance contract" means an annuity or life insurance contract for which the reserves or a part thereof vary in amount with the market value of a specified group of assets held in a separate and distinct fund and includes a life insurance contract under which policy dividends or policy proceeds may be retained for investment in such a fund.

Prohibition

(2) No insurer shall issue a variable insurance contract or offer to enter into a variable insurance contract that under this Act would be deemed to be made in Ontario until there has been filed with the Superintendent a specimen form of such variable insurance contract, an information folder pertaining thereto and such other material as may be required under the regulations and a receipt therefor has been obtained from the Superintendent.

Form of contract

(3) The forms of variable insurance contracts and information folders with respect thereto shall comply with the requirements of Part V of this Act and the regulations.

Form of information folder

(4) The information folder shall provide brief and plain disclosure of all material facts relating to the variable insurance contract and shall contain a certificate to that effect signed by the chief executive officer and the chief financial officer of the insurer or such other persons as the regulations may prescribe.

Delivery of information folder

(5) No application for a variable insurance contract shall be accepted by an insurer until the insurer has delivered to the applicant therefor a copy of the latest information folder relating thereto that is on file with the Superintendent.

New information folders

(6) So long as an insurer continues to issue a variable insurance contract in respect of which it has filed an information folder, it shall,

(*a*) forthwith after the occurrence of any material change in the contract or in any other facts set out in the latest information folder so filed; and

(*b*) within thirteen months after the date of filing of the latest information folder so filed, or such other period of time as may be provided by the regulations,

file with the Superintendent a new information folder in respect thereof.

Prohibition order

(7) Where it appears to the Superintendent that,

(*a*) an information folder or any other document filed with the Superintendent by an insurer with respect to a variable insurance contract,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or

(*b*) the financial condition of the insurer or its method of operation in connection with the issuance of its variable insurance contracts will not afford sufficient protection to prospective purchasers of such variable insurance contracts in Ontario,

the Superintendent shall report the same to the Minister and the Minister, if he concurs in the report and after affording the insurer an opportunity to be heard, may order the Superintendent to prohibit the insurer from continuing to issue such variable insurance contracts in Ontario.

Regulations

(8) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and content of variable insurance contracts;

(*b*) prescribing the form, content and time of filing and delivery of information folders;

(*c*) for the furnishing of information by an insurer or an agent thereof to prospective purchasers of variable insurance contracts;

(*d*) prescribing the documents, reports, statements, agreements and other information required to be filed, furnished, or delivered under this section, and the form and content thereof.

Separate accounts

80*c*. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960, c. 190, amended

10. *The Insurance Act* is amended by adding thereto the following section:

Reporting on applications to register under R.S.C. 1952, c. 31

86*a*. An insurer incorporated under the laws of Ontario shall notify the Superintendent fourteen days in advance of making application for registration under Part IX of the *Canadian and British Insurance Companies Act* (Canada) or any similar enactment or regulation of the Government of Canada.

R.S.O. 1960, c. 190, s. 88, subs. 3, cl. *c*, re-enacted

11. Clause *c* of subsection 3 of section 88 of *The Insurance Act* is repealed and the following substituted therefor:

(*c*) governing group insurance contracts or schemes, or any class thereof including prescribing and regulating their terms and conditions, qualifications for

SECTION 10. Self-explanatory.

SECTION 11. The regulating power is extended to include regulation of group insurance policies and marketing.

SECTION 12. The failure to provide claim forms is now an offence and the amendment also prevents the insurer from taking advantage of the limitation period.

SECTION 13. The amendment confirms that the statutory conditions prohibit the use of the automobile by an insured whose licence is suspended or cancelled.

SECTION 14. Liability arising from contamination of property in a car is specifically removed from a standard owner's policy.

The amendment permits an insurer to make payments to an injured third party on behalf of its insured prior to entry of judgment and the judgment obtained will take into account the amount of the payment.

membership in groups and regulating the marketing of group insurance contracts or schemes.

(*ca*) prescribing and defining the terms and conditions upon which an insurer licensed to transact the business of life insurance may invest its funds in fully paid shares of other corporations under the provisions of this Act.

12. Subsection 2 of section 98 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 98, subs. 2, re-enacted

(2) An insurer who neglects or refuses to comply with subsection 1 is guilty of an offence, and, in addition, section 99 is not available to the insurer as a defence to an action brought, after such neglect or refusal, for the recovery of moneys alleged to be payable under the contract of insurance. Offence

13.—(1) Subcondition 1 of statutory condition 2 of section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 2, subcond. 1, amended

(*ba*) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . . .

(2) Subcondition 2 of statutory condition 2 of the said section 204 is amended by adding thereto the following clause: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 2, subcond. 1, amended

(*ba*) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . . .

14. Part VI of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966* and amended by sections 2, 3, 4, 5 and 6 of *The Insurance Amendment Act, 1967*, section 5 of *The Insurance Amendment Act, 1968* and sections 10, 11, 12, 13, 14 and 15 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following sections: R.S.O. 1960, c. 190, Pt. VI (1966, c. 71, s. 11), amended

Liability from ownership

211*a*. Liability arising from contamination of property carried in an automobile shall not be deemed to be liability arising from the ownership, use or operation of such automobile.

. . . . . .

Advance payments and release by claimant

220*a*.—(1) Where an insurer makes a payment on behalf of an insured under a contract evidenced by a motor vehicle liability policy to a person who is or alleges himself to be entitled to recover from the insured covered by the policy, the payment constitutes, to the extent of the payment, a release by the person or his personal representative of any claim that the person or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insured and the insurer.

R.S.O. 1960, c. 138

Idem

(2) Nothing in this section precludes the insurer making the payment from demanding, as a condition precedent to such payment, a release from the person or his personal representative or any other person to the extent of such payment.

Payment to be taken into account

(3) Where the person commences an action, the court shall adjudicate upon the matter first without reference to the payment but in giving judgment the payment shall be taken into account and the person shall only be entitled to judgment for the net amount, if any.

Intention

(4) The intention of this section is to permit payments to a claimant without prejudice to the defendant or his insurer, either as an admission of liability or otherwise, and the fact of any payment shall not be disclosed to the judge or jury until after judgment but before formal entry thereof.

R.S.O. 1960, c. 190, s. 261, cl. *a*, repealed

15. Clause *a* of section 261 of *The Insurance Act* is repealed.

R.S.O. 1960, c. 190, s. 342, re-enacted

16. Section 342 of *The Insurance Act* is repealed and the following substituted therefor:

Interpretation

342. In this Part, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer, assignment or as a result of amalgamation of the insurers.

SECTION 15. See section 1 of this Bill.

SECTION 16. The amendment clarifies that the only contracts made in Ontario by an insurer that is incorporated or organized under the laws of Ontario are required to be approved for a reinsurance agreement.

SECTION 17. The investment provisions are made uniform with those of federally incorporated insurance companies and the provisions now contained in *The Corporations Act* are transferred to this Part of *The Insurance Act*. The investments that may be made include,

(*a*) mortgages in excess of 75 per cent of value if the excess is insured;

(*b*) real estate for the production of income based on a part earnings test; and

(*c*) authorization by regulation to permit investment in certain corporations which may be operated as ancillaries or subsidiaries.

The new Part XVIII empowers the Superintendent to order the cessation of unfair or deceptive acts or practices in the business of insurance. Such acts or practices include contraventions of the Act, unfair discrimination in rates, false or misleading advertising, etc. The general provision for appeal in section 12 of the Act would apply to the Superintendent's decision.

17. *The Insurance Act* is amended by adding thereto the following Parts: R.S.O. 1960, c. 190, amended

PART XVII

INVESTMENTS

354. In this Part, "insurer" means an insurer incorporated or organized under the laws of Ontario and in section 355 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation and a cash-mutual insurance corporation. Interpretation

355.—(1) An insurer may invest its funds or any portion thereof in, Investment powers

(*a*) the bonds, debentures, stocks or other evidences of indebtedness issued or guaranteed by the government of, Government bonds

(i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Republic of South Africa, the United Kingdom, or any province or state thereof, or Rhodesia or the Republic of Ireland,

(ii) a colony of the United Kingdom,

(iii) the United States of America or a state thereof,

(iv) a country in which the insurer is carrying on business, or a province or state thereof, or

(v) a colony, dependency, territory or possession of any country in which the insurer is carrying on business;

(*b*) the bonds, debentures or other evidences of indebtedness issued or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business, or by a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate; municipal, etc., securities

(*c*) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development; bonds issued or guaranteed by the International Bank, etc.

bonds issued or guaranteed by the Inter-American Development Bank

(*d*) the bonds, debentures or other securities issued or guaranteed by the Inter-American Development Bank or by the Asian Development Bank;

federal subsidy bonds

(*e*) the bonds or debentures issued by a corporation that are secured by the assignment to a trust company in Canada of an annual payment that the Government of Canada has agreed to make, if such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;

bonds secured by provincial subsidy

(*f*) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust company in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;

debentures secured by statutory charge on real estate, plant or equipment

(*g*) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding;

revenue bonds

(*h*) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these

purposes, to levy, impose or make taxes, rates, fees or other charges that,

(i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or

(ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;

bonds, etc., secured by mortgage

(*i*) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by a mortgage, charge or hypothec to a trustee or to the insurer upon any, or upon any combination, of the following assets,

(i) real estate or leaseholds,

(ii) the plant or equipment of a corporation that is used in the transaction of its business, or

(iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

equipment trust certificates

(*j*) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the corporation;

debentures

(*k*) the bonds, debentures or other evidences of indebtedness issued or guaranteed by,

(i) a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by clause *m* or *n*, or

(ii) a corporation if its earnings in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it, other than indebtedness classified as a current liability in its balance sheet, and, if the corporation at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporation shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation, and, for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

guaranteed investment certificates

(*l*) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *m* or *n*;

preferred shares

(*m*) the preferred shares of a corporation if,

(i) the corporation has paid a dividend in each of the five years immediately

preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) the common shares of the corporation are, at the date of investment, authorized as investments by clause *n*;

(*n*) the fully paid common shares of a corporation that during a period of five years that ended less than one year before the date of investment has either, common shares

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be;

(*o*) ground rents, mortgages, charges or hypothecs on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, but the amount paid for the mortgage, charge or hypothec together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the investment is made shall not exceed three-quarters of the value of the real estate or leasehold covered thereby; real estate mortgages

(*p*) mortgages, charges or hypothecs on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the guaranteed or insured real estate mortgages

government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada);

R.S.C. 1952, cc. 31, 125

real estate for the production of income

(*q*) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if,

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country, or

(B) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *m* or *n*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

(*r*) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if, other real estate for the production of income

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) An insurer may lend its funds or any portion thereof on the security of, Lending funds

(*a*) any bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under subsection 1 but the amount of the loan, together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this Part; authorized securities

(*b*) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or in any country in which the insurer is carrying on business but the amount of the loan together with the amount of indebtedness real estate mortgages

under any mortgage, charge or hypothec on the real estate or interest therein ranking equally with or prior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, except that an insurer may accept as part payment for real estate sold by it a mortgage, charge or hypothec for more than 75 per cent of the sale price of the real estate; or

guaranteed or insured real estate mortgages

(*c*) real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage, charge or hypothec thereon securing the loan is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada).

R.S.C. 1952, cc. 31, 125

Securities received on reorganization, liquidation or amalgamation

(3) Where an insurer owns securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not authorized as investments by the foregoing provisions of this section, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares and they shall be allowed as assets of the insurer in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 1.

(4) an insurer who is a joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not hereinbefore authorized by this section subject to the following provisions, Other assets

(a) investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer; real estate for the production of income

(b) this subsection shall be deemed not to enlarge the authority conferred by subsections 1 and 2 to invest in mortgages, charges or hypothecs and to lend on the security of real estate or leaseholds; and exemption

(c) the total book value of the investments and loans made under this subsection and held by the insurer excluding those that are or at any time since acquisition have been authorized as investments apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer. limitation

(5) An insurer licensed to transact the business of life insurance may invest or lend its life insurance funds or any portion thereof in the purchase of, or on the security of, policies of life insurance issued by the insurer or by any other insurance company licensed to transact the business of life insurance in Canada. Life insurance policies

(6) Notwithstanding anything in this Act or in any other Act, an insurer may, National Housing Acts

(a) lend its funds or any portion thereof on the security of real estate pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other 1953-54, c. 23 (Can)

estate or interest therein in excess of 75 per cent of the value of the real estate or interest therein that forms the security for such loan or in excess of the amount that may be loaned in accordance with that Act or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant Governor in Council or by a municipality under *The Housing Development Act*;

R.S.O. 1960, c. 182

(*b*) if it is licensed to transact the business of life insurance, cause to be formed, or may join with one or more insurance companies licensed to transact the business of life insurance in forming one or more institutional holding companies and one or more institutional housing corporations as defined in the *National Housing Act* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount that, when added to the aggregate amount invested by such insurer under clause *c*, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and

(*c*) if it is licensed to transact the business of life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

1953-54, c. 23 (Can)

Guaranteed loans under 1964-65, c. 24 (Can) R.S.C. 1952, c. 110, 1955, c. 46 (Can), 1960-61, c. 5 (Can)

(7) An insurer may make guaranteed loans under and in accordance with the provisions of the *Canada Student Loans Act* (Canada), the *Farm Improvement Loans Act* (Canada), the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada).

Power to invest in shares of certain corporations

(8) Notwithstanding anything in subsection 1, an insurer licensed under the laws of Ontario to transact the business of life insurance may invest its funds in the fully paid shares of,

(*a*) any corporation incorporated outside Canada to undertake contracts of life insurance;

(*b*) any corporation incorporated to provide the insurer or a corporation mentioned in clause *a* with advisory, management or sales distribution services in respect of life insurance contracts or annuities the reserves for which vary in amount depending on the market value of a specified group of assets maintained in a separate and distinct fund;

(*c*) any corporation incorporated under the laws of Canada or any province thereof to undertake contracts of insurance other than contracts of life insurance;

(*d*) any corporation incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds;

(*e*) any corporation incorporated to offer public participation in an investment portfolio;

(*f*) any corporation incorporated to provide a corporation mentioned in clause *e* with advisory, management or sales distribution services; or

(*g*) with the prior approval of the Minister, any corporation incorporated to carry on any other business reasonably ancillary to the business of insurance,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Additional security may be taken

(9) An insurer may take any additional securities of any nature to further secure repayment to it of any loan or investment or to further secure the sufficiency of any of the securities in or upon which it is by this section authorized to invest or lend any of its funds.

By-laws to prevail

(10) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section enlarges the power of investment.

Disposal of unauthorized investments

(11) The Superintendent may direct an insurer to dispose of and realize any of its investments acquired after

the 1st day of May, 1928, and not authorized by this Part, and such insurer shall within sixty days after receiving such direction absolutely dispose of and realize such investments, and, if the amount realized therefrom falls below the amount paid by such insurer for such investments, the directors of the insurer are jointly and severally liable for the payment to such insurer of the amount of the deficiency, but if any director present at the meeting at which such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment and is able to do so, delivers or sends to the insurer by registered mail his protest against such investment, and, within eight days thereafter, sends a copy thereof by registered mail to the Superintendent, such director thereby and not otherwise exonerates himself from such liability.

Investments of other insurers

356. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation or a cash-mutual insurance corporation may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 355 and may lend its funds on the security of any such securities.

Restrictions and limitations

357. The following restrictions, limitations and prohibitions apply to insurers in the exercise of the investment powers under sections 355 and 356,

(*a*) an insurer not licensed to transact the business of life insurance shall not invest in or lend its funds upon the security of its own shares or the shares of any corporation transacting the business of insurance;

(*b*) an insurer licensed to transact the business of life insurance shall not,

(i) invest in the shares of a corporation incorporated in Canada to undertake contracts of life insurance,

(ii) lend its funds upon the security of its own shares, or

(iii) except as provided in section 224*a* of *The Corporations Act*, invest in or purchase its own shares;

R.S.O. 1960, c. 71

(*c*) except as to securities issued or guaranteed by the Government of Canada or the government of a province of Canada or a municipal corporation in Canada, an insurer shall not invest in any one security or make a total investment in any one corporation, either by the purchase of shares or other securities of such corporation or by lending to it on the security of its debentures or other assets or any part thereof, of more than 10 per cent of the book value of the total assets of the insurer;

(*d*) except as to investments made under subsection 8 of section 355 and as to securities guaranteed by the Government of Canada or the government of a province of Canada or by a municipal corporation in Canada, an insurer shall not make any investment the effect of which will be that it will hold more than 30 per cent of the common shares or 30 per cent of the total issued shares of any one corporation;

(*e*) the total book value of the investments of an insurer in common shares, other than its own common shares purchased under section 224*a* of *The Corporations Act*, shall not exceed 25 per cent of the book value of the total assets of the insurer; R.S.O. 1960, c. 71

(*f*) the total book value of the investments of an insurer in real estate or leaseholds for the production of income under clauses *q* and *r* of subsection 1 of section 355 and subsection 4 of section 355 shall not exceed 10 per cent of the book value of the total assets of the insurer;

(*g*) an insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which the payment of principal or interest is in default; and

(*h*) an insurer shall not act as an underwriter in connection with the purchase or sale of any securities or other property of any kind.

Prohibited loans and investments

358.—(1) An insurer shall not knowingly make an investment, other than a loan on the security of a policy of life insurance issued by it,

(*a*) by way of a loan to,

(i) a director or officer of the insurer, or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the insurer;

(*b*) in a corporation that is a substantial shareholder of the insurer; or

(*c*) in a corporation in which,

(i) an individual mentioned in subclause i of clause *a*,

(ii) an individual who is a substantial shareholder of the insurer,

(iii) another corporation that is a substantial shareholder of the insurer, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

(2) An insurer shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

"significant interest"

(*a*) a person has a significant interest in a corporation, or a group of persons has a significant interest in a corporation if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the corporation for the time being outstanding;

(*b*) a person is a substantial shareholder of a corporation or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all of the equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares; "substantial shareholder"

(*c*) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing; "equity share"

(*d*) "investment" means, "investment"

(i) an investment in a corporation by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons,

but does not include any normal working balance between an insurer and any other corporation transacting the business of insurance or any advance or loan that is merely ancillary to the main business of the insurer; and

(*e*) notwithstanding paragraph 44 of section 1, "officer" means only the president, a vice-president, the secretary, the treasurer, the manager, the controller and the actuary of an insurer and any other person designated as an officer of the insurer by by-law or by resolution of the directors thereof. "officer"

"Down-stream" investment

(4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, or is deemed by this subsection to own beneficially, shares of a corporation, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other corporation that is owned beneficially, directly or indirectly, by the first-mentioned corporation, that is equal to the proportion of the shares of the first-mentioned corporation that is owned beneficially, directly or indirectly, or is deemed by this subsection to be owned beneficially, by that person or group of persons.

Exception

(5) Notwithstanding subsection 4, an insurer is not prohibited from making an investment in a corporation only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to own beneficially equity shares of the insurer is, by reason of that subsection, deemed to own beneficially equity shares of such corporation.

Exemption

(6) Where any person or group of persons is a substantial shareholder of an insurer and, as a consequence thereof and of the application of this section, certain investments are prohibited for the insurer, the Minister may, on the advice of the Superintendent, and on application by the insurer, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(*a*) that the decision of the insurer to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the insurer; and

(*b*) that the investment is to be made under the power granted to the insurer under this part.

Idem

(7) Any order of exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Investments in corporate name

359.—(1) All investments and deposits of the funds of an insurer shall be made in its corporate name.

(2) Every insurer shall at all times retain in Canada and under its own control assets of a value at least equal to its total liabilities to its policyholders in Canada. Assets in Canada

(3) Where the laws of any province, state or country in which any insurer transacts, or is about to transact, business, require that the deposits made or to be made by such insurer in such province, state or country shall be made in the name of or transferred or assigned to, any person or corporation other than the insurer, this section does not prohibit such insurer from making in the name of, or transferring or assigning to, such other person or corporation, the investments and deposits necessary to comply with the said laws. Deposits outside Canada

(4) No director or officer of an insurer and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that, if he is a policyholder, he is entitled to all the benefits accruing under the terms of his contract. Prohibition on directors or officers receiving fees or gifts

(5) Except as in this section provided, all the securities of an insurer incorporated and licensed under the laws of Ontario shall be held at the head office of the insurer or elsewhere in Ontario and the holding of securities, wherever situated, is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the insurer, as the Lieutenant Governor in Council may prescribe. Securities to be held in Ontario

PART XVIII

Unfair and Deceptive Acts and Practices in the Business of Insurance

360. For the purposes of this Part, Interpretation

(*a*) "person" means a person engaged in the business of insurance and includes any individual, corporation, association, partnership, reciprocal or inter-insurance exchange, mem-

ber of the society known as Lloyds, fraternal society, mutual benefit society, agent, broker or adjuster;

(*b*) "unfair or deceptive acts or practices in the business of insurance" includes,

(i) the commission of any act prohibited under this Act, or the regulations;

(ii) any unfair discrimination between individuals of the same class and of the same expectation of life, in the amount or payment or return of premiums, or rates charged by it for contracts of life insurance or annuity contracts, or in the dividends or other benefits payable thereon or in the terms and conditions thereof,

(iii) any unfair discrimination in any rate or schedule of rates between risks in Ontario of essentially the same physical hazards in the same territorial classification,

(iv) any illustration, circular, memorandum or statement that misrepresents, or by omission is so incomplete that it misrepresents, the terms, benefits or advantages of any policy or contract of insurance issued, or to be issued,

(v) any false or misleading statement as to the terms, benefits or advantages of any contract or policy of insurance issued or to be issued,

(vi) any incomplete comparison of any policy or contract of insurance with that of any other insurer for the purpose of inducing, or intending to induce, an insured to lapse, forfeit, or surrender a policy or contract,

(vii) any payment, allowance or gift, or any offer to pay, allow or give, directly or indirectly, any money or thing of value as an inducement to any prospective insured to insure,

(viii) any charge by a person for a premium allowance or fee other than as stipulated in a contract of insurance upon which a sales commission is payable to such person, or

(ix) any consistent practice or conduct that results in unreasonable delay or resistance to the fair adjustment and settlement of claims.

Prohibition

361. No person shall engage in any unfair or deceptive act or practice in the business of insurance.

Superintendent may investigate

362. The Superintendent may examine and investigate the affairs of every person engaged in the business of insurance in Ontario in order to determine whether such person has been, or is, engaged in any unfair or deceptive act or practice.

Order of Superintendent

363.—(1) Where it appears to the Superintendent that any person is engaging in any unfair or deceptive act or practice in the business of insurance, the Superintendent may order that such person cease engaging in his business or any part thereof named in the order, and an order under this subsection may be made subject to such terms and conditions as the Superintendent may specify in the order and the order may be revoked when the Superintendent is satisfied that the unfair and deceptive acts or practices are corrected and not likely to recur.

Hearing

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Superintendent the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof or such longer time as is consented to by the person entitled to the hearing.

Service and effect of order

(3) A notice of every order made under this Part shall be served upon every person named therein and upon such other persons as the Superintendent considers appropriate and thereupon no person shall engage in that part of the business of insurance that is the subject of the order.

Penalty

364. Any person who contravenes an order of the Superintendent made under this Part is, in addition to any other consequence or remedy provided by law, guilty of an offence punishable in the same manner as if the person were undertaking insurance or carrying on business in Ontario without holding a licence to do so.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Insurance Amendment Act, 1970*.

An Act to amend
The Insurance Act

1st Reading

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

1970

BILL 230

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Insurance Act

MR. LAWRENCE (Carleton East)

(Reprinted as amended by the Legal and Municipal Committee)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. The definition of actuary is moved from Part X by section 15 of this Bill and redefined to recognize The Canadian Institute of Actuaries.

Section 2. Complementary to section 17 of this Bill.

Section 3. Self-explanatory.

Section 4. The capital requirements for the licencing of insurers in the case of life insurers is increased from the existing requirement of $500,000 of capital and $500,000 of unimpaired surplus to $2,000,000 of capital of which at least $1,000,000 is paid up and at least $500,000 is unimpaired surplus. In the case of other than life insurers, the licencing requirement of unimpaired surplus of not less than $100,000 is now changed to a minimum capital requirement of not less than $1,000,000 of which at least $500,000 is paid up capital and at least $250,000 is unimpaired surplus.

BILL 230 **1970**

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1961-62*, section 1 of *The Insurance Amendment Act, 1964*, section 1 of *The Insurance Amendment Act, 1966* and section 1 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 190, s. 1, amended

1*b*. "actuary" means a Fellow of the Canadian Institute of Actuaries.

2. Subsection 2 of section 18 of *The Insurance Act* is amended by striking out "*The Corporations Act*" in the third line and inserting in lieu thereof "this Act", so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 18, subs. 2, amended

(2) In his annual report the Superintendent shall allow as assets only such of the investments of the several insurers as are authorized by this Act, or by their Acts or instruments of incorporation, or by the general Acts applicable to such investments. Permissible investments

3. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960, c. 190, amended

18*a*. The Superintendent may publish from time to time notices, reports, correspondence, results of hearings, decisions and any other matter considered by the Superintendent to be in the public interest. Publication by Superintendent

4.—(1) Subsection 1 of section 29 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 29, subs. 1 (1966, c. 71, s. 4), re-enacted

Capital requirements for licence

(1) A licence shall not be granted to a joint stock insurance company unless the company furnishes to the Superintendent satisfactory evidence that,

(*a*) if the company is applying for a licence to transact the business of life insurance, the company has paid up capital and surplus of not less than $2,000,000, or such greater amount as the Minister in the circumstances may require, of which at least $1,000,000 is paid up capital and at least $500,000 is unimpaired surplus; and

(*b*) if the company is applying for a licence to transact any class or classes of business other than life insurance, the company has paid up capital and surplus of not less than $1,000,000, or such greater amount as the Minister in the circumstances may require, of which at least $500,000 is paid up capital and at least $250,000 is unimpaired surplus.

Application of subs. 1

(2) Subsection 1 does not apply to a joint stock company licensed before the 1st day of January, 1971.

R.S.O. 1960, c. 190, s. 32, subs. 3, re-enacted

5. Subsection 3 of section 32 of *The Insurance Act* is repealed and the following substituted therefor:

Conditions precedent to issue of licence R.S.O. 1960, c. 71

(3) The Minister shall not issue the licence until he is satisfied that all the requirements of this Act and of *The Corporations Act* as to the subscriptions for shares in the capital of the insurer, the payment of money by shareholders on account of their subscriptions, the election of directors and other preliminaries have been complied with, and unless he is satisfied that the expenses of incorporation and organization, including any commission payable in connection with subscriptions for shares in the capital of the insurer, are reasonable.

R.S.O. 1960, c. 190, s. 34, subs. 2, re-enacted

6. Subsection 2 of section 34 of *The Insurance Act* is repealed and the following substituted therefor:

Term of licence

(2) The licence expires on the 30th day of June in each year, subject to renewal by the Superintendent on or before that date.

Conditions of licence

(3) Any licence may be issued or renewed subject to such limitations or conditions as the Minister considers appropriate.

SECTION 5. The amendment replaces reference to capital stock to reference to capital.

SECTION 6. The amendment extends the Minister's power to impose limitations and conditions on licences.

SECTION 7. The new provisions enable the Superintendent to take control of an insurer, under certain conditions, to determine the degree of its financial difficulties and, if necessary, to manage it for rehabilitation purposes.

(4) Notwithstanding subsections 2 and 3, the Minister may at any time and in respect of any licence of an insurer, Variation of licence

(*a*) reduce the term for which the licence was issued or renewed;

(*b*) impose any conditions or limitations relating to the carrying on of the insurer's business that he considers appropriate; or

(*c*) vary, amend or revoke any condition or limitation to which the licence is then subject,

but the Minister may not exercise any power granted under this subsection until he has given the insurer notice of his intention to exercise such power and has afforded the insurer a reasonable opportunity to be heard with respect thereto.

7. *The Insurance Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 190, amended

37a.—(1) Where it comes to the attention of the Superintendent that an insurer incorporated or organized under the laws of Ontario may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Superintendent is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such insurer and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section *37b*. Assets not accounted for

(2) The Superintendent may release any assets under his possession and control that he considers advisable for the purposes of the insurer. Release of assets

37b.—(1) Where the Superintendent is of the opinion that the assets of an insurer incorporated or organized under the laws of Ontario are not sufficient to justify its continuance in business or to provide for its obligations under its policies he shall so report to the Minister. Report to Minister

Remedial powers of the Minister

(2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the insurer to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Superintendent under subsection 1, the Minister may do one or both of the following,

(*a*) make the insurer's licence subject to such limitations or conditions as he considers appropriate;

(*b*) prescribe a time within which the insurer shall make good any deficiency of assets.

Subsequent action

(3) If the insurer fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension thereof subsequently given by the Minister, the Minister shall submit the report of the Superintendent to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Superintendent to take possession and control of the assets of the insurer and the Superintendent shall deliver a copy of the order to an officer of the insurer.

Appointment of appraisers

(4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the insurer and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of Superintendent upon taking control

37*c*.—(1) If so ordered by the Lieutenant Governor in Council under section 37*b*, the Superintendent shall take possession and control of the assets of the insurer and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Superintendent has all the powers of the board of directors of the insurer, and, without limiting the generality of the foregoing, the Superintendent may,

(*a*) exclude the directors, officers, servants and agents of the insurer from the premises, property and business of the insurer; and

(*b*) carry on, manage and conduct the operations of the insurer and in the name of the insurer

preserve, maintain, realize, dispose of and add to the property of the insurer, receive the incomes and revenues of the insurer and exercise all the powers of the insurer.

Application to court

(2) While the Superintendent has possession and control of the assets of an insurer under this section, the Minister may direct the Superintendent to apply to the court for an order for the winding up of the insurer under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

Appointment of managers

(3) Where the Superintendent is in possession and control of the assets of an insurer and is conducting its business, he may appoint one or more persons to manage and operate the business of the insurer and,

(*a*) each person so appointed is a representative of the Superintendent; and

(*b*) the remuneration of any such person, other than an employee of the office of the Superintendent, shall be fixed by the Minister.

Relinquishing control

(4) Whenever the Minister believes that an insurer, the assets of which are in the possession and control of the Superintendent, meets all the requirements of this Act and that it is otherwise proper for the insurer to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Where rehabilitation efforts futile

(5) If the Minister, on the report of the Superintendent, considers that further efforts to rehabilitate an insurer, the assets of which are in the possession and control of the Superintendent, would be futile, he may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Expenses of proceedings

(6) The expenses of the Superintendent incurred in rehabilitation proceedings under this section and sections 37*a* and 37*b* shall be paid by all insurers licensed under this Act to carry on business of the same class or classes as the insurer who is the subject

of the proceedings, and the share of each shall be the proportion of the expenses that the net premium income received from the insurer's policyholders in Ontario in its last preceding fiscal year bears to the total net premium income received from the policyholders in Ontario by all insurers of that class in their respective last preceding fiscal years.

Advisory committee

(7) The insurers required to bear the said expenses of the Superintendent may appoint a committee of not more than six members to advise the Superintendent in respect of all matters pertinent to the rehabilitation of the insurer whose assets are in the possession and control of the Superintendent.

Appeal

37d.—(1) Notwithstanding section *37c*, an insurer may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section *37b* within thirty days after the delivery of a copy of the order to an officer of the insurer, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

(2) An order of the Lieutenant Governor in Council under section *37b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material on appeal

(3) The Minister shall certify to the Registrar of the Supreme Court,

(*a*) the decision of the Lieutenant Governor in Council;

(*b*) the reports of the Superintendent to the Minister or the Lieutenant Governor in Council;

(*c*) the record of any hearing; and

(*d*) all written submissions by the appellant to the Superintendent, the Minister or the Lieutenant Governor in Council.

Representation

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

SECTION 8. The new provision ensures that the Superintendent is informed of transfers of shares of an insurance company indicating a transfer of control.

SECTION 9. New provisions are provided respecting the segregated funds of life insurers upon which variable insurance contracts may be issued.

Also an information folder respecting variable insurance contracts is required to be filed with the Superintendent.

(5) Where an appeal is taken under this section, the judge may by order direct the Superintendent to take such action as the judge considers proper or refrain from taking any action specified in the order and the Superintendent shall act accordingly. Order

(6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section. Further decision

8. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960, c. 190, amended

74. No transfers of shares of an insurer shall be entered in the book or books maintained for that purpose until thirty days after notice thereof has been deposited with the Superintendent if, Report on share transfers

(*a*) the transfer relates to 10 per cent or more of the issued shares of the insurer for the time being enjoying voting rights; or

(*b*) the directors have reason to believe that the transfer would result in a majority of the issued shares of the insurer for the time being enjoying voting rights being beneficially owned by any one person.

9. Section 80*a* as enacted by section 3 of *The Insurance Amendment Act, 1961-62* and section 80*b* as enacted by section 5 of *The Insurance Amendment Act, 1962-63*, of the *Insurance Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 80*a* (1961-62, c. 63, s. 3), s. 80*b* (1962-63, c. 64, s. 5), re-enacted

80*a*.—(1) Any insurer incorporated and licensed under the laws of Ontario to transact the business of life insurance may, Authorization for variable contracts based on segregated funds

(*a*) issue policies for which the reserves vary in amount with the market value of a specified group of assets; and

(*b*) retain for investment,

(i) policy dividends,

(ii) policy proceeds that become payable on surrender or maturity of the policy not less than five years from the date of its issue if the policyholder so directs, and

(iii) policy proceeds that become payable on the death of the policyholder if the policyholder or beneficiary so directs,

on the basis that the liability of the insurer in respect thereof varies in amount with the market value of a specified group of assets,

and the insurer shall maintain in respect of such policies, dividends and proceeds, as the case may be, one or more separate and distinct funds with separate assets for each such fund.

How fund created

(2) For the purpose of creating a separate and distinct fund under subsection 1, an insurer may, if duly authorized by by-law,

(*a*) make a transfer from the shareholders' fund but the amount so transferred shall not exceed the surplus in the shareholders' fund; and

(*b*) make a transfer of assets from one or more life insurance funds, but,

(i) the maximum amount that may be transferred from any life insurance fund is the amount by which 25 per cent of the surplus in that fund exceeds the aggregate of all prior transfers from that fund to all such separate and distinct funds under this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to that fund pursuant to clause *a* of subsection 5; and

(ii) the maximum amount that may be transferred from all life insurance funds is the amount by which 10 per cent of the surplus in those funds or $2,000,000, whichever is the lesser, exceeds the aggregate of all prior transfers from those funds to all such separate and distinct funds pursuant

to this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to all life insurance funds pursuant to clause *a* of subsection 5.

Transfers to fund

(3) For the purpose of maintaining a separate and distinct fund under subsection 1, an insurer may from time to time make transfers from a life insurance fund,

(*a*) to the extent that the assets of the separate and distinct fund are not sufficient to provide for any benefits guaranteed under the terms of the policies for which the separate fund is held; or

(*b*) in any case other than that mentioned in clause *a*, if the insurer provides evidence satisfactory to the Superintendent that such transfers are necessary for the proper administration of the policies or deposits for which the separate fund is held.

Surplus

(4) Where for the purposes of subsection 2 the surplus in any fund is required to be determined, the surplus shall be taken as shown in the most recent annual statement filed with the Superintendent.

Segregation of assets for policies

(5) Where a separate and distinct fund is maintained under subsection 1, the assets of such fund shall, subject to subsection 3, be available only to meet the liabilities arising under the policies or deposits in respect of which such fund is maintained, except that,

(*a*) any amount representing the value of a transfer, or any part thereof, to such separate and distinct fund under subsection 2 or clause *b* of subsection 3, may, with the approval of the Superintendent, be transferred back to the fund or funds from which such transfer was made, and, where there is more than one such fund, the amount transferred back to each shall be that proportion of the whole amount that the amount transferred from that fund to the separate and distinct fund was to the total amount so transferred from all the funds; and

(*b*) any assets, other than assets in respect of a transfer to the separate and distinct fund

under subsection 2 or clause *b* of subsection 3, remaining in the separate and distinct fund after the discharge of all the insurer's liabilities in respect of the policies or deposits for which the fund is maintained, may be transferred to such other fund as the directors may determine.

Value of transfers

(6) For the purposes of clause *b* of subsection 2, the value of any assets transferred to or from a separate and distinct fund shall be taken as the value thereof at the time of transfer to that fund and, for all other purposes, the value from time to time of any assets that have been transferred to a separate and distinct fund maintained under subsection 1 shall be the market value of such assets.

Exception from investment limitations

(7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses *e* and *f* of section 357 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account.

Definition of variable insurance contracts

80*b*.—(1) In this section, "variable insurance contract" means an annuity or life insurance contract for which the reserves or a part thereof vary in amount with the market value of a specified group of assets held in a separate and distinct fund and includes a life insurance contract under which policy dividends or policy proceeds may be retained for investment in such a fund.

Prohibition

(2) No insurer shall issue a variable insurance contract or offer to enter into a variable insurance contract that under this Act would be deemed to be made in Ontario until there has been filed with the Superintendent a specimen form of such variable insurance contract, an information folder pertaining thereto and such other material as may be required under the regulations and a receipt therefor has been obtained from the Superintendent.

Form of contract

(3) The forms of variable insurance contracts and information folders with respect thereto shall comply with the requirements of Part V of this Act and the regulations.

Form of information folder

(4) The information folder shall provide brief and plain disclosure of all material facts relating to the variable insurance contract and shall contain a certificate to that effect signed by the chief executive officer and the chief financial officer of the insurer or such other persons as the regulations may prescribe.

Delivery of information folder

(5) No application for a variable insurance contract shall be accepted by an insurer until the insurer has delivered to the applicant therefor a copy of the latest information folder relating thereto that is on file with the Superintendent.

New information folders

(6) So long as an insurer continues to issue a variable insurance contract in respect of which it has filed an information folder, it shall,

(*a*) forthwith after the occurrence of any material change in the contract or in any other facts set out in the latest information folder so filed; and

(*b*) within thirteen months after the date of filing of the latest information folder so filed, or such other period of time as may be provided by the regulations,

file with the Superintendent a new information folder in respect thereof.

Prohibition order

(7) Where it appears to the Superintendent that,

(*a*) an information folder or any other document filed with the Superintendent by an insurer with respect to a variable insurance contract,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or

(*b*) the financial condition of the insurer or its method of operation in connection with the issuance of its variable insurance contracts will not afford sufficient protection to prospective purchasers of such variable insurance contracts in Ontario,

the Superintendent shall report the same to the Minister and the Minister, if he concurs in the report and after affording the insurer an opportunity to be heard, may order the Superintendent to prohibit the insurer from continuing to issue such variable insurance contracts in Ontario.

Regulations

(8) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and content of variable insurance contracts;

(*b*) prescribing the form, content and time of filing and delivery of information folders;

(*c*) for the furnishing of information by an insurer or an agent thereof to prospective purchasers of variable insurance contracts;

(*d*) prescribing the documents, reports, statements, agreements and other information required to be filed, furnished, or delivered under this section, and the form and content thereof.

Separate accounts

80*c*. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960, c. 190, amended

10. *The Insurance Act* is amended by adding thereto the following section:

Reporting on applications to register under R.S.C. 1952, c. 31

86*a*. An insurer incorporated under the laws of Ontario shall notify the Superintendent fourteen days in advance of making application for registration under Part IX of the *Canadian and British Insurance Companies Act* (Canada) or any similar enactment or regulation of the Government of Canada.

R.S.O. 1960, c. 190, s. 88, subs. 3, cl. *c*, re-enacted

11. Clause *c* of subsection 3 of section 88 of *The Insurance Act* is repealed and the following substituted therefor:

(*c*) governing group insurance contracts or schemes, or any class thereof including prescribing and regulating their terms and conditions, qualifications for

SECTION 10. Self-explanatory.

SECTION 11. The regulating power is extended to include regulation of group insurance policies and marketing.

SECTION 12. The failure to provide claim forms is now an offence and the amendment also prevents the insurer from taking advantage of the limitation period.

SECTION 13. The amendment confirms that the statutory conditions prohibit the use of the automobile by an insured whose licence is suspended or cancelled.

SECTION 14. Liability arising from contamination of property in a car is specifically removed from a standard owner's policy.

The amendment permits an insurer to make payments to an injured third party on behalf of its insured prior to entry of judgment and the judgment obtained will take into account the amount of the payment.

membership in groups and regulating the marketing of group insurance contracts or schemes.

(*ca*) prescribing and defining the terms and conditions upon which an insurer licensed to transact the business of life insurance may invest its funds in fully paid shares of other corporations under the provisions of this Act.

12. Subsection 2 of section 98 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 98, subs. 2, re-enacted

(2) An insurer who neglects or refuses to comply with subsection 1 is guilty of an offence, and, in addition, section 99 is not available to the insurer as a defence to an action brought, after such neglect or refusal, for the recovery of moneys alleged to be payable under the contract of insurance. Offence

13.—(1) Subcondition 1 of statutory condition 2 of section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 2, subcond. 1, amended

(*ba*) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . .

(2) Subcondition 2 of statutory condition 2 of the said section 204 is amended by adding thereto the following clause: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 2, subcond. 1, amended

(*ba*) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . .

14. Part VI of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966* and amended by sections 2, 3, 4, 5 and 6 of *The Insurance Amendment Act, 1967*, section 5 of *The Insurance Amendment Act, 1968* and sections 10, 11, 12, 13, 14 and 15 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following sections: R.S.O. 1960, c. 190, Pt. VI (1966, c. 71, s. 11), amended

Liability from ownership

211*a*. Liability arising from contamination of property carried in an automobile shall not be deemed to be liability arising from the ownership, use or operation of such automobile.

. . . . .

Advance payments and release by claimant

220*a*.—(1) Where an insurer makes a payment on behalf of an insured under a contract evidenced by a motor vehicle liability policy to a person who is or alleges himself to be entitled to recover from the insured covered by the policy, the payment constitutes, to the extent of the payment, a release by the person or his personal representative of any claim that the person or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insured and the insurer.

R.S.O. 1960, c. 138

Idem

(2) Nothing in this section precludes the insurer making the payment from demanding, as a condition precedent to such payment, a release from the person or his personal representative or any other person to the extent of such payment.

Payment to be taken into account

(3) Where the person commences an action, the court shall adjudicate upon the matter first without reference to the payment but in giving judgment the payment shall be taken into account and the person shall only be entitled to judgment for the net amount, if any.

. . . . .

Intention

(4) The intention of this section is to permit payments to a claimant without prejudice to the defendant or his insurer, either as an admission of liability or otherwise, and the fact of any payment shall not be disclosed to the judge or jury until after judgment but before formal entry thereof.

R.S.O. 1960, c. 190, s. 261, cl. *a*, repealed

15. Clause *a* of section 261 of *The Insurance Act* is repealed.

R.S.O. 1960, c. 190, s. 342, re-enacted

16. Section 342 of *The Insurance Act* is repealed and the following substituted therefor:

Interpretation

342. In this Part, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer, assignment or as a result of amalgamation of the insurers.

SECTION 15. See section 1 of this Bill.

SECTION 16. The amendment clarifies that the only contracts made in Ontario by an insurer that is incorporated or organized under the laws of Ontario are required to be approved for a reinsurance agreement.

SECTION 17. The investment provisions are made uniform with those of federally incorporated insurance companies and the provisions now contained in *The Corporations Act* are transferred to this Part of *The Insurance Act*. The investments that may be made include,

(*a*) mortgages in excess of 75 per cent of value if the excess is insured;

(*b*) real estate for the production of income based on a part earnings test; and

(*c*) authorization by regulation to permit investment in certain corporations which may be operated as ancillaries or subsidiaries.

The new Part XVIII empowers the Superintendent to order the cessation of unfair or deceptive acts or practices in the business of insurance. Such acts or practices include contraventions of the Act, unfair discrimination in rates, false or misleading advertising, etc. The general provision for appeal in section 12 of the Act would apply to the Superintendent's decision.

17. *The Insurance Act* is amended by adding thereto the following Parts: R.S.O. 1960, c. 190, amended

PART XVII

INVESTMENTS

354. In this Part, "insurer" means an insurer incorporated or organized under the laws of Ontario and in section 355 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation and a cash-mutual insurance corporation. Interpretation

355.—(1) An insurer may invest its funds or any portion thereof in, Investment powers

(*a*) the bonds, debentures, stocks or other evidences of indebtedness issued or guaranteed by the government of, Government bonds

(i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Republic of South Africa, the United Kingdom, or any province or state thereof, or Rhodesia or the Republic of Ireland,

(ii) a colony of the United Kingdom,

(iii) the United States of America or a state thereof,

(iv) a country in which the insurer is carrying on business, or a province or state thereof, or

(v) a colony, dependency, territory or possession of any country in which the insurer is carrying on business;

(*b*) the bonds, debentures or other evidences of indebtedness issued or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business, or by a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate; municipal etc., securities

(*c*) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development; bonds issued or guaranteed by the International Bank, etc.

bonds issued or guaranteed by the Inter-American Development Bank

(*d*) the bonds, debentures or other securities issued or guaranteed by the Inter-American Development Bank or by the Asian Development Bank;

federal subsidy bonds

(*e*) the bonds or debentures issued by a corporation that are secured by the assignment to a trust company in Canada of an annual payment that the Government of Canada has agreed to make, if such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;

bonds secured by provincial subsidy

(*f*) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust company in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;

debentures secured by statutory charge on real estate, plant or equipment

(*g*) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding;

revenue bonds

(*h*) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these

purposes, to levy, impose or make taxes, rates, fees or other charges that,

(i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or

(ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;

bonds, etc., secured by mortgage

(*i*) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by a mortgage, charge or hypothec to a trustee or to the insurer upon any, or upon any combination, of the following assets,

(i) real estate or leaseholds,

(ii) the plant or equipment of a corporation that is used in the transaction of its business, or

(iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

equipment trust certificates

(*j*) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the corporation;

debentures

(*k*) the bonds, debentures or other evidences of indebtedness issued or guaranteed by,

(i) a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by clause *m* or *n*, or

(ii) a corporation if its earnings in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it, other than indebtedness classified as a current liability in its balance sheet, and, if the corporation at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporation shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation, and, for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

guaranteed investment certificates

(*l*) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *m* or *n*;

preferred shares

(*m*) the preferred shares of a corporation if,

(i) the corporation has paid a dividend in each of the five years immediately

preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) the common shares of the corporation are, at the date of investment, authorized as investments by clause *n*;

common shares

(*n*) the fully paid common shares of a corporation that during a period of five years that ended less than one year before the date of investment has either,

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be;

real estate mortgages

(*o*) ground rents, mortgages, charges or hypothecs on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, but the amount paid for the mortgage, charge or hypothec together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the investment is made shall not exceed three-quarters of the value of the real estate or leasehold covered thereby;

guaranteed or insured real estate mortgages

(*p*) mortgages, charges or hypothecs on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the

government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada);

R.S.C. 1952, cc. 31, 125

real estate for the production of income

(*q*) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if,

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country, or

(B) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *m* or *n*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

(*r*) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if, other real estate for the production of income

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) An insurer may lend its funds or any portion thereof on the security of, Lending funds

(*a*) any bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under subsection 1 but the amount of the loan, together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this Part; authorized securities

(*b*) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or in any country in which the insurer is carrying on business but the amount of the loan together with the amount of indebtedness real estate mortgages

under any mortgage, charge or hypothec on the real estate or interest therein ranking equally with or prior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, except that an insurer may accept as part payment for real estate sold by it a mortgage, charge or hypothec for more than 75 per cent of the sale price of the real estate; or

guaranteed or insured real estate mortgages

(*c*) real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage, charge or hypothec thereon securing the loan is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada).

R.S.C. 1952, cc. 31, 125

Securities received on reorganization, liquidation or amalgamation

(3) Where an insurer owns securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not authorized as investments by the foregoing provisions of this section, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares and they shall be allowed as assets of the insurer in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 1.

(4) an insurer who is a joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not hereinbefore authorized by this section subject to the following provisions, Other assets

(*a*) investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer; real estate for the production of income

(*b*) this subsection shall be deemed not to enlarge the authority conferred by subsections 1 and 2 to invest in mortgages, charges or hypothecs and to lend on the security of real estate or leaseholds; and exemption

(*c*) the total book value of the investments and loans made under this subsection and held by the insurer excluding those that are or at any time since acquisition have been authorized as investments apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer. limitation

(5) An insurer licensed to transact the business of life insurance may invest or lend its life insurance funds or any portion thereof in the purchase of, or on the security of, policies of life insurance issued by the insurer or by any other insurance company licensed to transact the business of life insurance in Canada. Life insurance policies

(6) Notwithstanding anything in this Act or in any other Act, an insurer may, National Housing Acts

(*a*) lend its funds or any portion thereof on the security of real estate pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other 1953-54, c. 23 (Can)

estate or interest therein in excess of 75 per cent of the value of the real estate or interest therein that forms the security for such loan or in excess of the amount that may be loaned in accordance with that Act or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant Governor in Council or by a municipality under *The Housing Development Act*;

R.S.O. 1960, c. 182

(*b*) if it is licensed to transact the business of life insurance, cause to be formed, or may join with one or more insurance companies licensed to transact the business of life insurance in forming one or more institutional holding companies and one or more institutional housing corporations as defined in the *National Housing Act* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount that, when added to the aggregate amount invested by such insurer under clause *c*, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and

(*c*) if it is licensed to transact the business of life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

1953-54, c. 23 (Can)

Guaranteed loans under 1964-65, c. 24 (Can) R.S.C. 1952, c. 110, 1955, c. 46 (Can), 1960-61, c. 5 (Can)

(7) An insurer may make guaranteed loans under and in accordance with the provisions of the *Canada Student Loans Act* (Canada), the *Farm Improvement Loans Act* (Canada), the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada).

Power to invest in shares of certain corporations

(8) Notwithstanding anything in subsection 1, an insurer licensed under the laws of Ontario to transact the business of life insurance may invest its funds in the fully paid shares of,

(*a*) any corporation incorporated outside Canada to undertake contracts of life insurance;

(*b*) any corporation incorporated to provide the insurer or a corporation mentioned in clause *a* with advisory, management or sales distribution services in respect of life insurance contracts or annuities the reserves for which vary in amount depending on the market value of a specified group of assets maintained in a separate and distinct fund;

(*c*) any corporation incorporated under the laws of Canada or any province thereof to undertake contracts of insurance other than contracts of life insurance;

(*d*) any corporation incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds;

(*e*) any corporation incorporated to offer public participation in an investment portfolio;

(*f*) any corporation incorporated to provide a corporation mentioned in clause *e* with advisory, management or sales distribution services; or

(*g*) with the prior approval of the Minister, any corporation incorporated to carry on any other business reasonably ancillary to the business of insurance,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Additional security may be taken

(9) An insurer may take any additional securities of any nature to further secure repayment to it of any loan or investment or to further secure the sufficiency of any of the securities in or upon which it is by this section authorized to invest or lend any of its funds.

By-laws to prevail

(10) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section enlarges the power of investment.

Disposal of unauthorized investments

(11) The Superintendent may direct an insurer to dispose of and realize any of its investments acquired after

the 1st day of May, 1928, and not authorized by this Part, and such insurer shall within sixty days after receiving such direction absolutely dispose of and realize such investments, and, if the amount realized therefrom falls below the amount paid by such insurer for such investments, the directors of the insurer are jointly and severally liable for the payment to such insurer of the amount of the deficiency, but if any director present at the meeting at which such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment and is able to do so, delivers or sends to the insurer by registered mail his protest against such investment, and, within eight days thereafter, sends a copy thereof by registered mail to the Superintendent, such director thereby and not otherwise exonerates himself from such liability.

Investments of other insurers

356. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation or a cash-mutual insurance corporation may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 355 and may lend its funds on the security of any such securities.

Restrictions and limitations

357. The following restrictions, limitations and prohibitions apply to insurers in the exercise of the investment powers under sections 355 and 356,

(*a*) an insurer not licensed to transact the business of life insurance shall not invest in or lend its funds upon the security of its own shares or the shares of any corporation transacting the business of insurance;

(*b*) an insurer licensed to transact the business of life insurance shall not,

(i) invest in the shares of a corporation incorporated in Canada to undertake contracts of life insurance,

(ii) lend its funds upon the security of its own shares, or

(iii) except as provided in section 224*a* of *The Corporations Act*, invest in or purchase its own shares;

R.S.O. 1960, c. 71

(*c*) except as to securities issued or guaranteed by the Government of Canada or the government of a province of Canada or a municipal corporation in Canada, an insurer shall not invest in any one security or make a total investment in any one corporation, either by the purchase of shares or other securities of such corporation or by lending to it on the security of its debentures or other assets or any part thereof, of more than 10 per cent of the book value of the total assets of the insurer;

(*d*) except as to investments made under subsection 8 of section 355 and as to securities guaranteed by the Government of Canada or the government of a province of Canada or by a municipal corporation in Canada, an insurer shall not make any investment the effect of which will be that it will hold more than 30 per cent of the common shares or 30 per cent of the total issued shares of any one corporation;

(*e*) the total book value of the investments of an insurer in common shares, other than its own common shares purchased under section 224*a* of *The Corporations Act*, shall not exceed 25 per cent of the book value of the total assets of the insurer; R.S.O. 1960, c. 71

(*f*) the total book value of the investments of an insurer in real estate or leaseholds for the production of income under clauses *q* and *r* of subsection 1 of section 355 and subsection 4 of section 355 shall not exceed 10 per cent of the book value of the total assets of the insurer;

(*g*) an insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which the payment of principal or interest is in default; and

(*h*) an insurer shall not act as an underwriter in connection with the purchase or sale of any securities or other property of any kind.

Prohibited loans and investments

358.—(1) An insurer shall not knowingly make an investment, other than a loan on the security of a policy of life insurance issued by it,

(*a*) by way of a loan to,

(i) a director or officer of the insurer, or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the insurer;

(*b*) in a corporation that is a substantial shareholder of the insurer; or

(*c*) in a corporation in which,

(i) an individual mentioned in subclause i of clause *a*,

(ii) an individual who is a substantial shareholder of the insurer,

(iii) another corporation that is a substantial shareholder of the insurer, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

(2) An insurer shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

"significant interest"

(*a*) a person has a significant interest in a corporation, or a group of persons has a significant interest in a corporation if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the corporation for the time being outstanding;

(*b*) a person is a substantial shareholder of a corporation or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all of the equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares; "substantial shareholder"

(*c*) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing; "equity share"

(*d*) "investment" means, "investment"

(i) an investment in a corporation by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons,

but does not include any normal working balance between an insurer and any other corporation transacting the business of insurance or any advance or loan that is merely ancillary to the main business of the insurer; and

(*e*) notwithstanding paragraph 44 of section 1, "officer" means only the president, a vice-president, the secretary, the treasurer, the manager, the controller and the actuary of an insurer and any other person designated as an officer of the insurer by by-law or by resolution of the directors thereof. "officer"

"Down-stream" investment

(4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, or is deemed by this subsection to own beneficially, shares of a corporation, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other corporation that is owned beneficially, directly or indirectly, by the first-mentioned corporation, that is equal to the proportion of the shares of the first-mentioned corporation that is owned beneficially, directly or indirectly, or is deemed by this subsection to be owned beneficially, by that person or group of persons.

Exception

(5) Notwithstanding subsection 4, an insurer is not prohibited from making an investment in a corporation only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to own beneficially equity shares of the insurer is, by reason of that subsection, deemed to own beneficially equity shares of such corporation.

Exemption

(6) Where any person or group of persons is a substantial shareholder of an insurer and, as a consequence thereof and of the application of this section, certain investments are prohibited for the insurer, the Minister may, on the advice of the Superintendent, and on application by the insurer, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(*a*) that the decision of the insurer to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the insurer; and

(*b*) that the investment is to be made under the power granted to the insurer under this part.

Idem

(7) Any order of exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Investments in corporate name

359.—(1) All investments and deposits of the funds of an insurer shall be made in its corporate name.

(2) Every insurer shall at all times retain in Canada and under its own control assets of a value at least equal to its total liabilities to its policyholders in Canada. Assets in Canada

(3) Where the laws of any province, state or country in which any insurer transacts, or is about to transact, business, require that the deposits made or to be made by such insurer in such province, state or country shall be made in the name of or transferred or assigned to, any person or corporation other than the insurer, this section does not prohibit such insurer from making in the name of, or transferring or assigning to, such other person or corporation, the investments and deposits necessary to comply with the said laws. Deposits outside Canada

(4) No director or officer of an insurer and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that, if he is a policyholder, he is entitled to all the benefits accruing under the terms of his contract. Prohibition on directors or officers receiving fees or gifts

(5) Except as in this section provided, all the securities of an insurer incorporated and licensed under the laws of Ontario shall be held at the head office of the insurer or elsewhere in Ontario and the holding of securities, wherever situated, is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the insurer, as the Lieutenant Governor in Council may prescribe. Securities to be held in Ontario

PART XVIII

Unfair and Deceptive Acts and Practices in the Business of Insurance

360. For the purposes of this Part, Interpretation

(*a*) "person" means a person engaged in the business of insurance and includes any individual, corporation, association, partnership, reciprocal or inter-insurance exchange, mem-

ber of the society known as Lloyds, fraternal society, mutual benefit society, agent, broker or adjuster;

(*b*) "unfair or deceptive acts or practices in the business of insurance" includes,

(i) the commission of any act prohibited under this Act, or the regulations;

(ii) any unfair discrimination between individuals of the same class and of the same expectation of life, in the amount or payment or return of premiums, or rates charged by it for contracts of life insurance or annuity contracts, or in the dividends or other benefits payable thereon or in the terms and conditions thereof,

(iii) any unfair discrimination in any rate or schedule of rates between risks in Ontario of essentially the same physical hazards in the same territorial classification,

(iv) any illustration, circular, memorandum or statement that misrepresents, or by omission is so incomplete that it misrepresents, the terms, benefits or advantages of any policy or contract of insurance issued, or to be issued,

(v) any false or misleading statement as to the terms, benefits or advantages of any contract or policy of insurance issued or to be issued,

(vi) any incomplete comparison of any policy or contract of insurance with that of any other insurer for the purpose of inducing, or intending to induce, an insured to lapse, forfeit, or surrender a policy or contract,

(vii) any payment, allowance or gift, or any offer to pay, allow or give, directly or indirectly, any money or thing of value as an inducement to any prospective insured to insure,

(viii) any charge by a person for a premium allowance or fee other than as stipulated in a contract of insurance upon which a sales commission is payable to such person, or

(ix) any consistent practice or conduct that results in unreasonable delay or resistance to the fair adjustment and settlement of claims.

Prohibition

361. No person shall engage in any unfair or deceptive act or practice in the business of insurance.

Superintendent may investigate

362. The Superintendent may examine and investigate the affairs of every person engaged in the business of insurance in Ontario in order to determine whether such person has been, or is, engaged in any unfair or deceptive act or practice.

Order of Superintendent

363.—(1) Where it appears to the Superintendent that any person is engaging in any unfair or deceptive act or practice in the business of insurance, the Superintendent may order that such person cease engaging in his business or any part thereof named in the order, and an order under this subsection may be made subject to such terms and conditions as the Superintendent may specify in the order and the order may be revoked when the Superintendent is satisfied that the unfair and deceptive acts or practices are corrected and not likely to recur.

Hearing

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Superintendent the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof or such longer time as is consented to by the person entitled to the hearing.

Service and effect of order

(3) A notice of every order made under this Part shall be served upon every person named therein and upon such other persons as the Superintendent considers appropriate and thereupon no person shall engage in that part of the business of insurance that is the subject of the order.

Penalty

364. Any person who contravenes an order of the Superintendent made under this Part is, in addition to any other consequence or remedy provided by law, guilty of an offence punishable in the same manner as if the person were undertaking insurance or carrying on business in Ontario without holding a licence to do so.

R.S.O. 1960, c. 71, ss. 208, 209, repealed

18.—(1) Section 208, as amended by section 7 of *The Corporations Amendment Act, 1962-63*, section 5 of *The Corporations Amendment Act, 1964*, section 1 of *The Corporations*

Amendment Act, 1965 and section 13 of *The Corporations Amendment Act, 1968*, and section 209 of *The Corporations Act* are repealed.

References to repealed provisions

(2) Any reference in any Act, regulation or document to section 208 or 209 of *The Corporations Act*, or otherwise to the investment provisions of *The Corporations Act* applying to insurers referred to in subsection 1 of section 208 or in section 209 thereof, shall be deemed to be a reference to the corresponding powers in Part XVII of *The Insurance Act*.

R.S.O. 1960, c. 190

Commencement

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. This Act may be cited as *The Insurance Amendment Act, 1970*.

An Act to amend
The Insurance Act

1st Reading

November 5th, 1970

2nd Reading

November 9th, 1970

3rd Reading

MR. LAWRENCE (Carleton East)

(Reprinted as amended by the Legal and Municipal Committee)

1970

BILL 230

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Insurance Act

MR. LAWRENCE (Carleton East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 230 **1970**

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1961-62*, section 1 of *The Insurance Amendment Act, 1964*, section 1 of *The Insurance Amendment Act, 1966* and section 1 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 190, s. 1, amended

1*b*. "actuary" means a Fellow of the Canadian Institute of Actuaries.

2. Subsection 2 of section 18 of *The Insurance Act* is amended by striking out "*The Corporations Act*" in the third line and inserting in lieu thereof "this Act", so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 18, subs. 2, amended

(2) In his annual report the Superintendent shall allow as assets only such of the investments of the several insurers as are authorized by this Act, or by their Acts or instruments of incorporation, or by the general Acts applicable to such investments. Permissible investments

3. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960, c. 190, amended

18*a*. The Superintendent may publish from time to time notices, reports, correspondence, results of hearings, decisions and any other matter considered by the Superintendent to be in the public interest. Publication by Superintendent

4.—(1) Subsection 1 of section 29 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 29, subs. 1 (1966, c. 71, s. 4), re-enacted

Capital requirements for licence

(1) A licence shall not be granted to a joint stock insurance company unless the company furnishes to the Superintendent satisfactory evidence that,

(*a*) if the company is applying for a licence to transact the business of life insurance, the company has paid up capital and surplus of not less than $2,000,000, or such greater amount as the Minister in the circumstances may require, of which at least $1,000,000 is paid up capital and at least $500,000 is unimpaired surplus; and

(*b*) if the company is applying for a licence to transact any class or classes of business other than life insurance, the company has paid up capital and surplus of not less than $1,000,000, or such greater amount as the Minister in the circumstances may require, of which at least $500,000 is paid up capital and at least $250,000 is unimpaired surplus.

Application of subs. 1

(2) Subsection 1 does not apply to a joint stock company licensed before the 1st day of January, 1971.

R.S.O. 1960, c. 190, s. 32, subs. 3, re-enacted

5. Subsection 3 of section 32 of *The Insurance Act* is repealed and the following substituted therefor:

Conditions precedent to issue of licence R.S.O. 1960, c. 71

(3) The Minister shall not issue the licence until he is satisfied that all the requirements of this Act and of *The Corporations Act* as to the subscriptions for shares in the capital of the insurer, the payment of money by shareholders on account of their subscriptions, the election of directors and other preliminaries have been complied with, and unless he is satisfied that the expenses of incorporation and organization, including any commission payable in connection with subscriptions for shares in the capital of the insurer, are reasonable.

R.S.O. 1960, c. 190, s. 34, subs. 2, re-enacted

6. Subsection 2 of section 34 of *The Insurance Act* is repealed and the following substituted therefor:

Term of licence

(2) The licence expires on the 30th day of June in each year, subject to renewal by the Superintendent on or before that date.

Conditions of licence

(3) Any licence may be issued or renewed subject to such limitations or conditions as the Minister considers appropriate.

(4) Notwithstanding subsections 2 and 3, the Minister may at any time and in respect of any licence of an insurer, Variation of licence

(*a*) reduce the term for which the licence was issued or renewed;

(*b*) impose any conditions or limitations relating to the carrying on of the insurer's business that he considers appropriate; or

(*c*) vary, amend or revoke any condition or limitation to which the licence is then subject,

but the Minister may not exercise any power granted under this subsection until he has given the insurer notice of his intention to exercise such power and has afforded the insurer a reasonable opportunity to be heard with respect thereto.

7. *The Insurance Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 190, amended

37*a*.—(1) Where it comes to the attention of the Superintendent that an insurer incorporated or organized under the laws of Ontario may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Superintendent is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such insurer and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section 37*b*. Assets not accounted for

(2) The Superintendent may release any assets under his possession and control that he considers advisable for the purposes of the insurer. Release of assets

37*b*.—(1) Where the Superintendent is of the opinion that the assets of an insurer incorporated or organized under the laws of Ontario are not sufficient to justify its continuance in business or to provide for its obligations under its policies he shall so report to the Minister. Report to Minister

Remedial powers of the Minister

(2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the insurer to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Superintendent under subsection 1, the Minister may do one or both of the following,

(*a*) make the insurer's licence subject to such limitations or conditions as he considers appropriate;

(*b*) prescribe a time within which the insurer shall make good any deficiency of assets.

Subsequent action

(3) If the insurer fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension thereof subsequently given by the Minister, the Minister shall submit the report of the Superintendent to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Superintendent to take possession and control of the assets of the insurer and the Superintendent shall deliver a copy of the order to an officer of the insurer.

Appointment of appraisers

(4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the insurer and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of Superintendent upon taking control

37*c*.—(1) If so ordered by the Lieutenant Governor in Council under section 37*b*, the Superintendent shall take possession and control of the assets of the insurer and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Superintendent has all the powers of the board of directors of the insurer, and, without limiting the generality of the foregoing, the Superintendent may,

(*a*) exclude the directors, officers, servants and agents of the insurer from the premises, property and business of the insurer; and

(*b*) carry on, manage and conduct the operations of the insurer and in the name of the insurer

preserve, maintain, realize, dispose of and add to the property of the insurer, receive the incomes and revenues of the insurer and exercise all the powers of the insurer.

Application to court

(2) While the Superintendent has possession and control of the assets of an insurer under this section, the Minister may direct the Superintendent to apply to the court for an order for the winding up of the insurer under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

Appointment of managers

(3) Where the Superintendent is in possession and control of the assets of an insurer and is conducting its business, he may appoint one or more persons to manage and operate the business of the insurer and,

(*a*) each person so appointed is a representative of the Superintendent; and

(*b*) the remuneration of any such person, other than an employee of the office of the Superintendent, shall be fixed by the Minister.

Relinquishing control

(4) Whenever the Minister believes that an insurer, the assets of which are in the possession and control of the Superintendent, meets all the requirements of this Act and that it is otherwise proper for the insurer to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Where rehabilitation efforts futile

(5) If the Minister, on the report of the Superintendent, considers that further efforts to rehabilitate an insurer, the assets of which are in the possession and control of the Superintendent, would be futile, he may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease.

Expenses of proceedings

(6) The expenses of the Superintendent incurred in rehabilitation proceedings under this section and sections 37*a* and 37*b* shall be paid by all insurers licensed under this Act to carry on business of the same class or classes as the insurer who is the subject

of the proceedings, and the share of each shall be the proportion of the expenses that the net premium income received from the insurer's policyholders in Ontario in its last preceding fiscal year bears to the total net premium income received from the policyholders in Ontario by all insurers of that class in their respective last preceding fiscal years.

Advisory committee

(7) The insurers required to bear the said expenses of the Superintendent may appoint a committee of not more than six members to advise the Superintendent in respect of all matters pertinent to the rehabilitation of the insurer whose assets are in the possession and control of the Superintendent.

Appeal

37d.—(1) Notwithstanding section *37c*, an insurer may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section *37b* within thirty days after the delivery of a copy of the order to an officer of the insurer, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

(2) An order of the Lieutenant Governor in Council under section *37b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material on appeal

(3) The Minister shall certify to the Registrar of the Supreme Court,

(*a*) the decision of the Lieutenant Governor in Council;

(*b*) the reports of the Superintendent to the Minister or the Lieutenant Governor in Council;

(*c*) the record of any hearing; and

(*d*) all written submissions by the appellant to the Superintendent, the Minister or the Lieutenant Governor in Council.

Representation

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(5) Where an appeal is taken under this section, the judge may by order direct the Superintendent to take such action as the judge considers proper or refrain from taking any action specified in the order and the Superintendent shall act accordingly. Order

(6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section. Further decision

8. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960, c. 190, amended

74. No transfers of shares of an insurer shall be entered in the book or books maintained for that purpose until thirty days after notice thereof has been deposited with the Superintendent if, Report on share transfers

(*a*) the transfer relates to 10 per cent or more of the issued shares of the insurer for the time being enjoying voting rights; or

(*b*) the directors have reason to believe that the transfer would result in a majority of the issued shares of the insurer for the time being enjoying voting rights being beneficially owned by any one person.

9. Section 80*a* as enacted by section 3 of *The Insurance Amendment Act, 1961-62* and section 80*b* as enacted by section 5 of *The Insurance Amendment Act, 1962-63*, of the *Insurance Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 80*a* (1961-62, c. 63, s. 3), s. 80*b* (1962-63, c. 64, s. 5), re-enacted

80*a*.—(1) Any insurer incorporated and licensed under the laws of Ontario to transact the business of life insurance may, Authorization for variable contracts based on segregated funds

(*a*) issue policies for which the reserves vary in amount with the market value of a specified group of assets; and

(*b*) retain for investment,

(i) policy dividends,

(ii) policy proceeds that become payable on surrender or maturity of the policy not less than five years from the date of its issue if the policyholder so directs, and

(iii) policy proceeds that become payable on the death of the policyholder if the policyholder or beneficiary so directs,

on the basis that the liability of the insurer in respect thereof varies in amount with the market value of a specified group of assets,

and the insurer shall maintain in respect of such policies, dividends and proceeds, as the case may be, one or more separate and distinct funds with separate assets for each such fund.

How fund created

(2) For the purpose of creating a separate and distinct fund under subsection 1, an insurer may, if duly authorized by by-law,

(*a*) make a transfer from the shareholders' fund but the amount so transferred shall not exceed the surplus in the shareholders' fund; and

(*b*) make a transfer of assets from one or more life insurance funds, but,

(i) the maximum amount that may be transferred from any life insurance fund is the amount by which 25 per cent of the surplus in that fund exceeds the aggregate of all prior transfers from that fund to all such separate and distinct funds under this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to that fund pursuant to clause *a* of subsection 5; and

(ii) the maximum amount that may be transferred from all life insurance funds is the amount by which 10 per cent of the surplus in those funds or $2,000,000, whichever is the lesser, exceeds the aggregate of all prior transfers from those funds to all such separate and distinct funds pursuant

to this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to all life insurance funds pursuant to clause *a* of subsection 5.

Transfers to fund

(3) For the purpose of maintaining a separate and distinct fund under subsection 1, an insurer may from time to time make transfers from a life insurance fund,

(*a*) to the extent that the assets of the separate and distinct fund are not sufficient to provide for any benefits guaranteed under the terms of the policies for which the separate fund is held; or

(*b*) in any case other than that mentioned in clause *a*, if the insurer provides evidence satisfactory to the Superintendent that such transfers are necessary for the proper administration of the policies or deposits for which the separate fund is held.

Surplus

(4) Where for the purposes of subsection 2 the surplus in any fund is required to be determined, the surplus shall be taken as shown in the most recent annual statement filed with the Superintendent.

Segregation of assets for policies

(5) Where a separate and distinct fund is maintained under subsection 1, the assets of such fund shall, subject to subsection 3, be available only to meet the liabilities arising under the policies or deposits in respect of which such fund is maintained, except that,

(*a*) any amount representing the value of a transfer, or any part thereof, to such separate and distinct fund under subsection 2 or clause *b* of subsection 3, may, with the approval of the Superintendent, be transferred back to the fund or funds from which such transfer was made, and, where there is more than one such fund, the amount transferred back to each shall be that proportion of the whole amount that the amount transferred from that fund to the separate and distinct fund was to the total amount so transferred from all the funds; and

(*b*) any assets, other than assets in respect of a transfer to the separate and distinct fund

under subsection 2 or clause *b* of subsection 3, remaining in the separate and distinct fund after the discharge of all the insurer's liabilities in respect of the policies or deposits for which the fund is maintained, may be transferred to such other fund as the directors may determine.

Value of transfers

(6) For the purposes of clause *b* of subsection 2, the value of any assets transferred to or from a separate and distinct fund shall be taken as the value thereof at the time of transfer to that fund and, for all other purposes, the value from time to time of any assets that have been transferred to a separate and distinct fund maintained under subsection 1 shall be the market value of such assets.

Exception from investment limitations

(7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses *e* and *f* of section 357 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account.

Definition of variable insurance contracts

80*b*.—(1) In this section, "variable insurance contract" means an annuity or life insurance contract for which the reserves or a part thereof vary in amount with the market value of a specified group of assets held in a separate and distinct fund and includes a life insurance contract under which policy dividends or policy proceeds may be retained for investment in such a fund.

Prohibition

(2) No insurer shall issue a variable insurance contract or offer to enter into a variable insurance contract that under this Act would be deemed to be made in Ontario until there has been filed with the Superintendent a specimen form of such variable insurance contract, an information folder pertaining thereto and such other material as may be required under the regulations and a receipt therefor has been obtained from the Superintendent.

Form of contract

(3) The forms of variable insurance contracts and information folders with respect thereto shall comply with the requirements of Part V of this Act and the regulations.

Form of information folder

(4) The information folder shall provide brief and plain disclosure of all material facts relating to the variable insurance contract and shall contain a certificate to that effect signed by the chief executive officer and the chief financial officer of the insurer or such other persons as the regulations may prescribe.

Delivery of information folder

(5) No application for a variable insurance contract shall be accepted by an insurer until the insurer has delivered to the applicant therefor a copy of the latest information folder relating thereto that is on file with the Superintendent.

New information folders

(6) So long as an insurer continues to issue a variable insurance contract in respect of which it has filed an information folder, it shall,

(*a*) forthwith after the occurrence of any material change in the contract or in any other facts set out in the latest information folder so filed; and

(*b*) within thirteen months after the date of filing of the latest information folder so filed, or such other period of time as may be provided by the regulations,

file with the Superintendent a new information folder in respect thereof.

Prohibition order

(7) Where it appears to the Superintendent that,

(*a*) an information folder or any other document filed with the Superintendent by an insurer with respect to a variable insurance contract,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or

(*b*) the financial condition of the insurer or its method of operation in connection with the issuance of its variable insurance contracts will not afford sufficient protection to prospective purchasers of such variable insurance contracts in Ontario,

the Superintendent shall report the same to the Minister and the Minister, if he concurs in the report and after affording the insurer an opportunity to be heard, may order the Superintendent to prohibit the insurer from continuing to issue such variable insurance contracts in Ontario.

Regulations

(8) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and content of variable insurance contracts;

(*b*) prescribing the form, content and time of filing and delivery of information folders;

(*c*) for the furnishing of information by an insurer or an agent thereof to prospective purchasers of variable insurance contracts;

(*d*) prescribing the documents, reports, statements, agreements and other information required to be filed, furnished, or delivered under this section, and the form and content thereof.

Separate accounts

80*c*. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960, c. 190, amended

10. *The Insurance Act* is amended by adding thereto the following section:

Reporting on applications to register under R.S.C. 1952, c. 31

86*a*. An insurer incorporated under the laws of Ontario shall notify the Superintendent fourteen days in advance of making application for registration under Part IX of the *Canadian and British Insurance Companies Act* (Canada) or any similar enactment or regulation of the Government of Canada.

R.S.O. 1960, c. 190, s. 88, subs. 3, cl. *c*, re-enacted

11. Clause *c* of subsection 3 of section 88 of *The Insurance Act* is repealed and the following substituted therefor:

(*c*) governing group insurance contracts or schemes, or any class thereof including prescribing and regulating their terms and conditions, qualifications for

membership in groups and regulating the marketing of group insurance contracts or schemes.

(*ca*) prescribing and defining the terms and conditions upon which an insurer licensed to transact the business of life insurance may invest its funds in fully paid shares of other corporations under the provisions of this Act.

12. Subsection 2 of section 98 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 98, subs. 2, re-enacted

(2) An insurer who neglects or refuses to comply with subsection 1 is guilty of an offence, and, in addition, section 99 is not available to the insurer as a defence to an action brought, after such neglect or refusal, for the recovery of moneys alleged to be payable under the contract of insurance. Offence

13.—(1) Subcondition 1 of statutory condition 2 of section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 2, subcond. 1, amended

(*ba*) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . . .

(2) Subcondition 2 of statutory condition 2 of the said section 204 is amended by adding thereto the following clause: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 2, subcond. 1, amended

(*ba*) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . . .

14. Part VI of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966* and amended by sections 2, 3, 4, 5 and 6 of *The Insurance Amendment Act, 1967*, section 5 of *The Insurance Amendment Act, 1968* and sections 10, 11, 12, 13, 14 and 15 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following sections: R.S.O. 1960, c. 190, Pt. VI (1966, c. 71, s. 11), amended

Liability from ownership

211*a*. Liability arising from contamination of property carried in an automobile shall not be deemed to be liability arising from the ownership, use or operation of such automobile.

. . . . .

Advance payments and release by claimant

220*a*.—(1) Where an insurer makes a payment on behalf of an insured under a contract evidenced by a motor vehicle liability policy to a person who is or alleges himself to be entitled to recover from the insured covered by the policy, the payment constitutes, to the extent of the payment, a release by the person or his personal representative of any claim that the person or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insured and the insurer.

R.S.O. 1960, c. 138

Idem

(2) Nothing in this section precludes the insurer making the payment from demanding, as a condition precedent to such payment, a release from the person or his personal representative or any other person to the extent of such payment.

Payment to be taken into account

(3) Where the person commences an action, the court shall adjudicate upon the matter first without reference to the payment but in giving judgment the payment shall be taken into account and the person shall only be entitled to judgment for the net amount, if any.

Intention

(4) The intention of this section is to permit payments to a claimant without prejudice to the defendant or his insurer, either as an admission of liability or otherwise, and the fact of any payment shall not be disclosed to the judge or jury until after judgment but before formal entry thereof.

R.S.O. 1960, c. 190, s. 261, cl. *a*, repealed

15. Clause *a* of section 261 of *The Insurance Act* is repealed.

R.S.O. 1960, c. 190, s. 342, re-enacted

16. Section 342 of *The Insurance Act* is repealed and the following substituted therefor:

Interpretation

342. In this Part, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer, assignment or as a result of amalgamation of the insurers.

17. *The Insurance Act* is amended by adding thereto the following Parts: R.S.O. 1960, c. 190, amended

PART XVII

INVESTMENTS

Interpretation

354. In this Part, "insurer" means an insurer incorporated or organized under the laws of Ontario and in section 355 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation and a cash-mutual insurance corporation.

Investment powers

355.—(1) An insurer may invest its funds or any portion thereof in,

Government bonds

(*a*) the bonds, debentures, stocks or other evidences of indebtedness issued or guaranteed by the government of,

(i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Republic of South Africa, the United Kingdom, or any province or state thereof, or Rhodesia or the Republic of Ireland,

(ii) a colony of the United Kingdom,

(iii) the United States of America or a state thereof,

(iv) a country in which the insurer is carrying on business, or a province or state thereof, or

(v) a colony, dependency, territory or possession of any country in which the insurer is carrying on business;

municipal etc., securities

(*b*) the bonds, debentures or other evidences of indebtedness issued or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business, or by a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate;

bonds issued or guaranteed by the International Bank, etc.

(*c*) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development;

bonds issued or guaranteed by the Inter-American Development Bank

(*d*) the bonds, debentures or other securities issued or guaranteed by the Inter-American Development Bank or by the Asian Development Bank;

federal subsidy bonds

(*e*) the bonds or debentures issued by a corporation that are secured by the assignment to a trust company in Canada of an annual payment that the Government of Canada has agreed to make, if such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;

bonds secured by provincial subsidy

(*f*) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust company in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;

debentures secured by statutory charge on real estate, plant or equipment

(*g*) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding;

revenue bonds

(*h*) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these

purposes, to levy, impose or make taxes, rates, fees or other charges that,

(i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or

(ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;

bonds, etc., secured by mortgage

(*i*) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by a mortgage, charge or hypothec to a trustee or to the insurer upon any, or upon any combination, of the following assets,

(i) real estate or leaseholds,

(ii) the plant or equipment of a corporation that is used in the transaction of its business, or

(iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

equipment trust certificates

(*j*) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by,

(i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

(ii) a lease or conditional sale thereof by the trustee to the corporation;

debentures

(*k*) the bonds, debentures or other evidences of indebtedness issued or guaranteed by,

(i) a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by clause *m* or *n*, or

(ii) a corporation if its earnings in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it, other than indebtedness classified as a current liability in its balance sheet, and, if the corporation at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporation shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation, and, for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

guaranteed investment certificates

(*l*) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *m* or *n*;

preferred shares

(*m*) the preferred shares of a corporation if,

(i) the corporation has paid a dividend in each of the five years immediately

preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) the common shares of the corporation are, at the date of investment, authorized as investments by clause *n*;

common shares

(*n*) the fully paid common shares of a corporation that during a period of five years that ended less than one year before the date of investment has either,

(i) paid a dividend in each such year upon its common shares, or

(ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be;

real estate mortgages

(*o*) ground rents, mortgages, charges or hypothecs on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, but the amount paid for the mortgage, charge or hypothec together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the investment is made shall not exceed three-quarters of the value of the real estate or leasehold covered thereby;

guaranteed or insured real estate mortgages

(*p*) mortgages, charges or hypothecs on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the

government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada);

R.S.C. 1952, cc. 31, 125

real estate for the production of income

(*q*) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if,

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country, or

(B) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *m* or *n*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

(*r*) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if, other real estate for the production of income

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

(2) An insurer may lend its funds or any portion thereof on the security of, Lending funds

(*a*) any bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under subsection 1 but the amount of the loan, together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this Part; authorized securities

(*b*) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or in any country in which the insurer is carrying on business but the amount of the loan together with the amount of indebtedness real estate mortgages

under any mortgage, charge or hypothec on the real estate or interest therein ranking equally with or prior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, except that an insurer may accept as part payment for real estate sold by it a mortgage, charge or hypothec for more than 75 per cent of the sale price of the real estate; or

guaranteed or insured real estate mortgages

(*c*) real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage, charge or hypothec thereon securing the loan is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada).

R.S.C. 1952, cc. 31, 125

Securities received on reorganization, liquidation or amalgamation

(3) Where an insurer owns securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not authorized as investments by the foregoing provisions of this section, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares and they shall be allowed as assets of the insurer in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 1.

(4) an insurer who is a joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not hereinbefore authorized by this section subject to the following provisions, Other assets

(a) investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer; real estate for the production of income

(b) this subsection shall be deemed not to enlarge the authority conferred by subsections 1 and 2 to invest in mortgages, charges or hypothecs and to lend on the security of real estate or leaseholds; and exemption

(c) the total book value of the investments and loans made under this subsection and held by the insurer excluding those that are or at any time since acquisition have been authorized as investments apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer. limitation

(5) An insurer licensed to transact the business of life insurance may invest or lend its life insurance funds or any portion thereof in the purchase of, or on the security of, policies of life insurance issued by the insurer or by any other insurance company licensed to transact the business of life insurance in Canada. Life insurance policies

(6) Notwithstanding anything in this Act or in any other Act, an insurer may, National Housing Acts

(a) lend its funds or any portion thereof on the security of real estate pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other 1953-54, c. 23 (Can)

estate or interest therein in excess of 75 per cent of the value of the real estate or interest therein that forms the security for such loan or in excess of the amount that may be loaned in accordance with that Act or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant Governor in Council or by a municipality under *The Housing Development Act*;

R.S.O. 1960, c. 182

(*b*) if it is licensed to transact the business of life insurance, cause to be formed, or may join with one or more insurance companies licensed to transact the business of life insurance in forming one or more institutional holding companies and one or more institutional housing corporations as defined in the *National Housing Act* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount that, when added to the aggregate amount invested by such insurer under clause *c*, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and

(*c*) if it is licensed to transact the business of life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

1953-54, c. 23 (Can)

Guaranteed loans under 1964-65, c. 24 (Can) R.S.C. 1952, c. 110, 1955, c. 46 (Can), 1960-61, c. 5 (Can)

(7) An insurer may make guaranteed loans under and in accordance with the provisions of the *Canada Student Loans Act* (Canada), the *Farm Improvement Loans Act* (Canada), the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada).

Power to invest in shares of certain corporations

(8) Notwithstanding anything in subsection 1, an insurer licensed under the laws of Ontario to transact the business of life insurance may invest its funds in the fully paid shares of,

(*a*) any corporation incorporated outside Canada to undertake contracts of life insurance;

(*b*) any corporation incorporated to provide the insurer or a corporation mentioned in clause *a* with advisory, management or sales distribution services in respect of life insurance contracts or annuities the reserves for which vary in amount depending on the market value of a specified group of assets maintained in a separate and distinct fund;

(*c*) any corporation incorporated under the laws of Canada or any province thereof to undertake contracts of insurance other than contracts of life insurance;

(*d*) any corporation incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds;

(*e*) any corporation incorporated to offer public participation in an investment portfolio;

(*f*) any corporation incorporated to provide a corporation mentioned in clause *e* with advisory, management or sales distribution services; or

(*g*) with the prior approval of the Minister, any corporation incorporated to carry on any other business reasonably ancillary to the business of insurance,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Additional security may be taken

(9) An insurer may take any additional securities of any nature to further secure repayment to it of any loan or investment or to further secure the sufficiency of any of the securities in or upon which it is by this section authorized to invest or lend any of its funds.

By-laws to prevail

(10) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section enlarges the power of investment.

Disposal of unauthorized investments

(11) The Superintendent may direct an insurer to dispose of and realize any of its investments acquired after

the 1st day of May, 1928, and not authorized by this Part, and such insurer shall within sixty days after receiving such direction absolutely dispose of and realize such investments, and, if the amount realized therefrom falls below the amount paid by such insurer for such investments, the directors of the insurer are jointly and severally liable for the payment to such insurer of the amount of the deficiency, but if any director present at the meeting at which such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment and is able to do so, delivers or sends to the insurer by registered mail his protest against such investment, and, within eight days thereafter, sends a copy thereof by registered mail to the Superintendent, such director thereby and not otherwise exonerates himself from such liability.

Investments of other insurers

356. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation or a cash-mutual insurance corporation may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 355 and may lend its funds on the security of any such securities.

Restrictions and limitations

357. The following restrictions, limitations and prohibitions apply to insurers in the exercise of the investment powers under sections 355 and 356,

(*a*) an insurer not licensed to transact the business of life insurance shall not invest in or lend its funds upon the security of its own shares or the shares of any corporation transacting the business of insurance;

(*b*) an insurer licensed to transact the business of life insurance shall not,

(i) invest in the shares of a corporation incorporated in Canada to undertake contracts of life insurance,

(ii) lend its funds upon the security of its own shares, or

(iii) except as provided in section 224*a* of *The Corporations Act*, invest in or purchase its own shares;

R.S.O. 1960, c. 71

(*c*) except as to securities issued or guaranteed by the Government of Canada or the government of a province of Canada or a municipal corporation in Canada, an insurer shall not invest in any one security or make a total investment in any one corporation, either by the purchase of shares or other securities of such corporation or by lending to it on the security of its debentures or other assets or any part thereof, of more than 10 per cent of the book value of the total assets of the insurer;

(*d*) except as to investments made under subsection 8 of section 355 and as to securities guaranteed by the Government of Canada or the government of a province of Canada or by a municipal corporation in Canada, an insurer shall not make any investment the effect of which will be that it will hold more than 30 per cent of the common shares or 30 per cent of the total issued shares of any one corporation;

(*e*) the total book value of the investments of an insurer in common shares, other than its own common shares purchased under section 224*a* of *The Corporations Act*, shall not exceed 25 per cent of the book value of the total assets of the insurer; R.S.O. 1960, c. 71

(*f*) the total book value of the investments of an insurer in real estate or leaseholds for the production of income under clauses *q* and *r* of subsection 1 of section 355 and subsection 4 of section 355 shall not exceed 10 per cent of the book value of the total assets of the insurer;

(*g*) an insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which the payment of principal or interest is in default; and

(*h*) an insurer shall not act as an underwriter in connection with the purchase or sale of any securities or other property of any kind.

Prohibited loans and investments

358.—(1) An insurer shall not knowingly make an investment, other than a loan on the security of a policy of life insurance issued by it,

(*a*) by way of a loan to,

(i) a director or officer of the insurer, or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the insurer;

(*b*) in a corporation that is a substantial shareholder of the insurer; or

(*c*) in a corporation in which,

(i) an individual mentioned in subclause i of clause *a*,

(ii) an individual who is a substantial shareholder of the insurer,

(iii) another corporation that is a substantial shareholder of the insurer, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

(2) An insurer shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

"significant interest"

(*a*) a person has a significant interest in a corporation, or a group of persons has a significant interest in a corporation if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the corporation for the time being outstanding;

(*b*) a person is a substantial shareholder of a corporation or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all of the equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares; "substantial shareholder"

(*c*) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing; "equity share"

(*d*) "investment" means, "investment"

(i) an investment in a corporation by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons,

but does not include any normal working balance between an insurer and any other corporation transacting the business of insurance or any advance or loan that is merely ancillary to the main business of the insurer; and

(*e*) notwithstanding paragraph 44 of section 1, "officer" means only the president, a vice-president, the secretary, the treasurer, the manager, the controller and the actuary of an insurer and any other person designated as an officer of the insurer by by-law or by resolution of the directors thereof. "officer"

"Down-stream" investment

(4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, or is deemed by this subsection to own beneficially, shares of a corporation, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other corporation that is owned beneficially, directly or indirectly, by the first-mentioned corporation, that is equal to the proportion of the shares of the first-mentioned corporation that is owned beneficially, directly or indirectly, or is deemed by this subsection to be owned beneficially, by that person or group of persons.

Exception

(5) Notwithstanding subsection 4, an insurer is not prohibited from making an investment in a corporation only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to own beneficially equity shares of the insurer is, by reason of that subsection, deemed to own beneficially equity shares of such corporation.

Exemption

(6) Where any person or group of persons is a substantial shareholder of an insurer and, as a consequence thereof and of the application of this section, certain investments are prohibited for the insurer, the Minister may, on the advice of the Superintendent, and on application by the insurer, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(*a*) that the decision of the insurer to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the insurer; and

(*b*) that the investment is to be made under the power granted to the insurer under this part.

Idem

(7) Any order of exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Investments in corporate name

359.—(1) All investments and deposits of the funds of an insurer shall be made in its corporate name.

(2) Every insurer shall at all times retain in Canada and under its own control assets of a value at least equal to its total liabilities to its policyholders in Canada. Assets in Canada

(3) Where the laws of any province, state or country in which any insurer transacts, or is about to transact, business, require that the deposits made or to be made by such insurer in such province, state or country shall be made in the name of or transferred or assigned to, any person or corporation other than the insurer, this section does not prohibit such insurer from making in the name of, or transferring or assigning to, such other person or corporation, the investments and deposits necessary to comply with the said laws. Deposits outside Canada

(4) No director or officer of an insurer and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that, if he is a policyholder, he is entitled to all the benefits accruing under the terms of his contract. Prohibition on directors or officers receiving fees or gifts

(5) Except as in this section provided, all the securities of an insurer incorporated and licensed under the laws of Ontario shall be held at the head office of the insurer or elsewhere in Ontario and the holding of securities, wherever situated, is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the insurer, as the Lieutenant Governor in Council may prescribe. Securities to be held in Ontario

PART XVIII

Unfair and Deceptive Acts and Practices in the Business of Insurance

360. For the purposes of this Part, Interpretation

(*a*) "person" means a person engaged in the business of insurance and includes any individual, corporation, association, partnership, reciprocal or inter-insurance exchange, mem-

ber of the society known as Lloyds, fraternal society, mutual benefit society, agent, broker or adjuster;

(*b*) "unfair or deceptive acts or practices in the business of insurance" includes,

(i) the commission of any act prohibited under this Act, or the regulations;

(ii) any unfair discrimination between individuals of the same class and of the same expectation of life, in the amount or payment or return of premiums, or rates charged by it for contracts of life insurance or annuity contracts, or in the dividends or other benefits payable thereon or in the terms and conditions thereof,

(iii) any unfair discrimination in any rate or schedule of rates between risks in Ontario of essentially the same physical hazards in the same territorial classification,

(iv) any illustration, circular, memorandum or statement that misrepresents, or by omission is so incomplete that it misrepresents, the terms, benefits or advantages of any policy or contract of insurance issued, or to be issued,

(v) any false or misleading statement as to the terms, benefits or advantages of any contract or policy of insurance issued or to be issued,

(vi) any incomplete comparison of any policy or contract of insurance with that of any other insurer for the purpose of inducing, or intending to induce, an insured to lapse, forfeit, or surrender a policy or contract,

(vii) any payment, allowance or gift, or any offer to pay, allow or give, directly or indirectly, any money or thing of value as an inducement to any prospective insured to insure,

(viii) any charge by a person for a premium allowance or fee other than as stipulated in a contract of insurance upon which a sales commission is payable to such person, or

(ix) any consistent practice or conduct that results in unreasonable delay or resistance to the fair adjustment and settlement of claims.

Prohibition

361. No person shall engage in any unfair or deceptive act or practice in the business of insurance.

Superintendent may investigate

362. The Superintendent may examine and investigate the affairs of every person engaged in the business of insurance in Ontario in order to determine whether such person has been, or is, engaged in any unfair or deceptive act or practice.

Order of Superintendent

363.—(1) Where it appears to the Superintendent that any person is engaging in any unfair or deceptive act or practice in the business of insurance, the Superintendent may order that such person cease engaging in his business or any part thereof named in the order, and an order under this subsection may be made subject to such terms and conditions as the Superintendent may specify in the order and the order may be revoked when the Superintendent is satisfied that the unfair and deceptive acts or practices are corrected and not likely to recur.

Hearing

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Superintendent the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof or such longer time as is consented to by the person entitled to the hearing.

Service and effect of order

(3) A notice of every order made under this Part shall be served upon every person named therein and upon such other persons as the Superintendent considers appropriate and thereupon no person shall engage in that part of the business of insurance that is the subject of the order.

Penalty

364. Any person who contravenes an order of the Superintendent made under this Part is, in addition to any other consequence or remedy provided by law, guilty of an offence punishable in the same manner as if the person were undertaking insurance or carrying on business in Ontario without holding a licence to do so.

R.S.O. 1960, c. 71 ss. 208, 209, repealed

18.—(1) Section 208, as amended by section 7 of *The Corporations Amendment Act, 1962-63*, section 5 of *The Corporations Amendment Act, 1964*, section 1 of *The Corporations*

Amendment Act, 1965 and section 13 of *The Corporations Amendment Act, 1968*, and section 209 of *The Corporations Act* are repealed.

References to repealed provisions

(2) Any reference in any Act, regulation or document to section 208 or 209 of *The Corporations Act*, or otherwise to the investment provisions of *The Corporations Act* applying to insurers referred to in subsection 1 of section 208 or in section 209 thereof, shall be deemed to be a reference to the corresponding powers in Part XVII of *The Insurance Act*.

R.S.O. 1960, c. 190

Commencement

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. This Act may be cited as *The Insurance Amendment Act, 1970*.

An Act to amend
The Insurance Act

1st Reading

November 5th, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 10th, 1970

MR. LAWRENCE (Carleton East)

BILL 231

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Specific provision is made for the appointment by a council of a chief administrative officer and his general area of responsibility is set out.

Section 2. The subsection repealed required every constable to make a declaration in a prescribed form before entering on the duties of his office. *The Police Act* contains a similar provision and the subsection is therefor repealed as redundant.

Section 3. Complementary to section 1 of the Bill.

BILL 231 **1970**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

CHIEF ADMINISTRATIVE OFFICER

214*a*. The council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(*a*) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law.

2. Subsection 3 of section 236 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 236, subs. 3, repealed

3. Subsection 2 of section 239 of *The Municipal Act*, as enacted by section 9 of *The Municipal Amendment Act, 1962-63* and amended by section 10 of *The Municipal Amendment Act, 1968-69*, is further amended by inserting after "No" in the first line "chief administrative officer", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 239 (1962-63 c. 87, s. 9), subs. 2, amended

(2) No chief administrative officer, clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned. Dismissal of officers

R.S.O. 1960, c. 249, s. 240, amended

4. Section 240 of *The Municipal Act*, as amended by section 34 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Allowance to surviving spouse

(1*a*) Where a council grants an annual retirement allowance to an employee under subsection 1, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

R.S.O. 1960, c. 249, s. 302 (1960-61, c. 59, s. 12), re-enacted

5. Section 302 of *The Municipal Act*, as re-enacted by section 12 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Investment of moneys not immediately required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in fixed-term deposits with any chartered bank or in fixed-term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, provided that the bonds, debentures or other evidences of indebtedness, fixed-term deposits or guaranteed investment certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1960, c. 222

R.S.O. 1960, c. 249, s. 377, amended

6. Section 377 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Aid in respect of common disaster

42*b*. For granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster.

. . . . . .

Power to acquire real property for purpose of leasing to doctor or dentist

69*a*. Without limiting the generality of section 333, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased either for residential, clinical or office purposes or a combination thereof.

SECTION 4. Self-explanatory.

SECTION 5. The classes of securities in which municipalities may invest moneys not immediately required are broadened.

SECTION 6. The paragraphs added authorize municipalities to grant aid with respect to common disasters and to acquire real property and lease it to a doctor or dentist.

SECTION 7—Subsections 1 and 2. Self-explanatory.

Subsection 3. The clauses repealed required,

1. the assent of the electors to the passage or repeal of a by-law granting aid to bands of music.

2. the submission of such a by-law to the electors on receipt of a petition by 15 per cent of the electors, and the enactment of a by-law where such assent is given.

Subsection 4. The authority to prohibit littering private property is extended to municipal property.

Subsection 5. Self-explanatory.

7.—(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act*, as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "fireworks" in the first line and in the second line "or any class or classes thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 30, amended

30. For regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of fireworks

(2) Paragraph 31 of subsection 1 of the said section 379 is amended by inserting after "fireworks" in the first line "or any class or classes thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 31, amended

31. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit. Setting off fireworks

(3) Clauses *a* and *b* of paragraph 50 of subsection 1 of the said section 379 are repealed. R.S.O. 1960, c. 249, s. 379, subs. 1, par. 50, cls. *a*, *b*, repealed

(4) Paragraph 68*a* of subsection 1 of the said section 379, as enacted by subsection 3 of section 21 of *The Municipal Amendment Act, 1968*, is amended by inserting after "property" in the second line "or a property of the municipality or any local board thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 68*a* (1968, c. 76, s. 21, subs. 3), amended

68*a*. For prohibiting the throwing, placing or depositing of refuse or debris on private property or a property of the municipality or any local board thereof without authority from the owner or occupant of such property. Prohibiting littering of private or municipal property

(5) Paragraph 98 of subsection 1 of the said section 379 is amended by inserting after "power" in the second line "or supplying cooling energy" and by inserting after "steam" in the second line "or cooling energy", so that the paragraph, exclusive of the clause, shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 98, amended

98. For authorizing any person supplying steam for heat or power or supplying cooling energy to lay down pipes or conduits for transmitting steam or cooling Transmitting steam or cooling energy under highways

energy under the highways or public squares, on such terms and conditions as the council may deem expedient.

. . . . . .

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 122, re-enacted

(6) Paragraph 122 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Signs

122. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that on the day the by-law comes into force does not comply with the by-law, the sign or advertising device shall be,

(*a*) made to comply with the by-law; or

(*b*) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of three years from the day the by-law comes into force.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 129, repealed

(7) Paragraph 129 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 399, subs. 1, par. 3, re-enacted

8. Paragraph 3 of subsection 1 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Prohibiting sale of refreshments on public streets, etc.

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

R.S.O. 1960, c. 249, s. 522, subs. 1, amended

9.—(1) Subsection 1 of section 522 of *The Municipal Act* is amended by inserting after "three" in the sixth line "or five", so that the subsection shall read as follows:

Subsection 6. The amendment is to make it clear that the power to prohibit or regulate signs may be exercised in respect of the sign itself as distinct from the physical act of erecting the sign. Existing non-conforming signs may be required to either be made to comply with the by-law or be removed within 3 years following the effective date of the by-law.

Subsection 7. The repealed paragraph authorized municipalities to limit by by-law the number of public garages and service stations. The matter is more appropriately dealt with as a land use matter under the provisions of *The Planning Act*.

SECTION 8. The re-enacted paragraph authorizes the prohibition of the sale of refreshments and confections generally. Formerly the paragraph listed specific items, the sale of which could be prohibited.

SECTION 9—Subsection 1. The amendment gives the Lieutenant Governor in Council authority to appoint three or five members to the board of trustees of an improvement district. Formerly only a three-member board could be appointed.

Subsection 2. Complementary to subsection 1.

SECTION 10. The subsection makes a tax arrears certificate given by the treasurer binding on the municipality and makes it clear that the fee charged therefor belongs to the municipality.

SECTION 11. The section is amended to prohibit the charging back of any deficiency caused by the abatement or refunding of taxes resulting from applications brought under clause *d* or *g* of section 76(1) of *The Assessment Act, 1968-69*.

(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council. Nature and status

(2) Subsection 3 of the said section 522 is amended by striking out "Two" and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 522, subs. 3, amended

(3) A majority of the members of the board form a quorum. Quorum

10. Section 570 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 570 (1968-69, c. 74, s. 31), amended

(1*a*) A statement given under subsection 1 is binding upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer. Idem

11. Section 629 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding at the end thereof "provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 629 (1968-69, c. 74, s. 31), amended

629. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act, 1968-69*, the council shall charge back a proportionate share thereof to every such body provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*. Where deficiency occurs; 1968-69, c. 6

R.S.O. 1960, c. 249, s. 651 (1968-69, c. 74, s. 31), subs. 1, amended

12.—(1) Subsection 1 of section 651 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by striking out "6" in the ninth line and inserting in lieu thereof "12", so that the subsection shall read as follows:

Local treasurer to pay over county moneys to county treasurer

(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 648, and, in case of non-payment of such moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made.

R.S.O. 1960, c. 249, s. 651 (1968-69, c. 74, s. 31), subs. 2, amended

(2) Subsection 2 of the said section 651 is amended by striking out "6" in the second line and inserting in lieu thereof "12", so that the subsection shall read as follows:

Reduced penalty rate and allowance of discount for prepayment

(2) The council of a county may by by-law provide for a rate of interest of less than 12 pre cent pre annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable.

R.S.O. 1960, c. 249, Form 21, repealed

13. Form 21 of *The Municipal Act* is repealed.

Commencement

14.—(1) This Act, except section 6, subsection 7 of section 7, and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 6 and 11 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Section 12 comes into force on the 1st day of January, 1971.

Idem

(4) Subsection 7 of section 7 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Municipal Amendment Act, 1970 (No. 4)*.

SECTION 12. The maximum rate of interest chargeable by a county on overdue moneys under this section is increased from 6 per cent per annum to 12 per cent per annum.

SECTION 13. Complementary to section 2 of the Bill.

An Act to amend
The Municipal Act

1st Reading

November 5th, 1970

2nd Reading

3rd Reading

MR. MCKEOUGH

1970

BILL 231

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Notes

Section 1. Specific provision is made for the appointment by a council of a chief administrative officer and his general area of responsibility is set out.

Section 2. The subsection repealed required every constable to make a declaration in a prescribed form before entering on the duties of his office. *The Police Act* contains a similar provision and the subsection is therefor repealed as redundant.

Section 3. Complementary to section 1 of the Bill.

BILL 231 **1970**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

CHIEF ADMINISTRATIVE OFFICER

214*a*. The council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(*a*) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law.

2. Subsection 3 of section 236 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 236, subs. 3, repealed

3. Subsection 2 of section 239 of *The Municipal Act*, as enacted by section 9 of *The Municipal Amendment Act, 1962-63* and amended by section 10 of *The Municipal Amendment Act, 1968-69*, is further amended by inserting after "No" in the first line "chief administrative officer", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 239 (1962-63 c. 87, s. 9), subs. 2, amended

(2) No chief administrative officer, clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned. Dismissal of officers

R.S.O. 1960, c. 249, s. 240, amended

4. Section 240 of *The Municipal Act*, as amended by section 34 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Allowance to surviving spouse

(1*a*) Where a council grants an annual retirement allowance to an employee under subsection 1, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

R.S.O. 1960, c. 249, s. 302 (1960-61, c. 59, s. 12), re-enacted

5. Section 302 of *The Municipal Act*, as re-enacted by section 12 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Investment of moneys not immediately required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, provided that the bonds, debentures or other evidences of indebtedness, term deposits or guaranteed investment certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1960, c. 222

R.S.O. 1960, c. 249, s. 377, amended

6. Section 377 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Aid in respect of common disaster

42*b*. For granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster.

. . . . . .

Power to acquire real property for purpose of leasing to doctor or dentist

69*a*. Without limiting the generality of section 333, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased for residential, clinical or office purposes or a combination thereof.

SECTION 4. Self-explanatory.

SECTION 5. The classes of securities in which municipalities may invest moneys not immediately required are broadened.

SECTION 6. The paragraphs added authorize municipalities to grant aid with respect to common disasters and to acquire real property and lease it to a doctor or dentist.

SECTION 7—Subsections 1 and 2. Self-explanatory.

Subsection 3. The clauses repealed required,

1. the assent of the electors to the passage or repeal of a by-law granting aid to bands of music.

2. the submission of such a by-law to the electors on receipt of a petition by 15 per cent of the electors, and the enactment of a by-law where such assent is given.

Subsection 4. The authority to prohibit littering private property is extended to municipal property.

Subsection 5. Self-explanatory.

7.—(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act*, as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "fireworks" in the first line and in the second line "or any class or classes thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 30, amended

30. For regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of fireworks

(2) Paragraph 31 of subsection 1 of the said section 379 is amended by inserting after "fireworks" in the first line "or any class or classes thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 31, amended

31. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit. Setting off fireworks

(3) Clauses *a* and *b* of paragraph 50 of subsection 1 of the said section 379 are repealed. R.S.O. 1960, c. 249, s. 379, subs. 1, par. 50, cls. *a*, *b*, repealed

(4) Paragraph 68*a* of subsection 1 of the said section 379, as enacted by subsection 3 of section 21 of *The Municipal Amendment Act, 1968*, is amended by inserting after "property" in the second line "or on property of the municipality or any local board thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 68*a* (1968, c. 76, s. 21, subs. 3), amended

68*a*. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property. Prohibiting littering of private or municipal property

(5) Paragraph 98 of subsection 1 of the said section 379 is amended by inserting after "power" in the second line "or supplying cooling energy" and by inserting after "steam" in the second line "or cooling energy", so that the paragraph, exclusive of the clause, shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 98, amended

98. For authorizing any person supplying steam for heat or power or supplying cooling energy to lay down pipes or conduits for transmitting steam or cooling Transmitting steam or cooling energy under highways

energy under the highways or public squares, on such terms and conditions as the council may deem expedient.

. . . . .

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 122, re-enacted

(6) Paragraph 122 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Signs

122. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that on the day the by-law comes into force does not comply with the by-law, shall be,

(*a*) made to comply with the by-law; or

(*b*) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of three years from the day the by-law comes into force.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 129, repealed

(7) Paragraph 129 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 399, subs. 1, par. 3, re-enacted

8. Paragraph 3 of subsection 1 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Prohibiting sale of refreshments on public streets, etc.

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

R.S.O. 1960, c. 249, s. 522, subs. 1, amended

9.—(1) Subsection 1 of section 522 of *The Municipal Act* is amended by inserting after "three" in the sixth line "or five", so that the subsection shall read as follows:

Subsection 6. The amendment is to make it clear that the power to prohibit or regulate signs may be exercised in respect of the sign itself as distinct from the physical act of erecting the sign. Existing non-conforming signs may be required to either be made to comply with the by-law or be removed within 3 years following the effective date of the by-law.

Subsection 7. The repealed paragraph authorized municipalities to limit by by-law the number of public garages and service stations. The matter is more appropriately dealt with as a land use matter under the provisions of *The Planning Act*.

SECTION 8. The re-enacted paragraph authorizes the prohibition of the sale of refreshments and confections generally. Formerly the paragraph listed specific items, the sale of which could be prohibited.

SECTION 9—Subsection 1. The amendment gives the Lieutenant Governor in Council authority to appoint three or five members to the board of trustees of an improvement district. Formerly only a three-member board could be appointed.

Subsection 2. Complementary to subsection 1.

SECTION 10. The subsection makes a tax arrears certificate given by the treasurer binding on the municipality and makes it clear that the fee charged therefor belongs to the municipality.

SECTION 11. The section is amended to prohibit the charging back of any deficiency caused by the abatement or refunding of taxes resulting from applications brought under clause *d* or *g* of section 76(1) of *The Assessment Act, 1968-69*.

(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council. Nature and status

(2) Subsection 3 of the said section 522 is amended by striking out "Two" and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 522, subs. 3, amended

(3) A majority of the members of the board form a quorum. Quorum

10. Section 570 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 570, (1968-69, c. 74, s. 31), amended

(1*a*) A statement given under subsection 1 is binding upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer. Idem

11. Section 629 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding at the end thereof "provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 629 (1968-69, c. 74, s. 31), amended

629. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act, 1968-69*, the council shall charge back a proportionate share thereof to every such body, provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*. Where deficiency occurs; 1968-69, c. 6

R.S.O. 1960, c. 249, s. 651 (1968-69, c. 74, s. 31), subs. 1, amended

12.—(1) Subsection 1 of section 651 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by striking out "6" in the ninth line and inserting in lieu thereof "12", so that the subsection shall read as follows:

Local treasurer to pay over county moneys to county treasurer

(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 648, and, in case of non-payment of such moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made.

R.S.O. 1960, c. 249, s. 651 (1968-69, c. 74, s. 31), subs. 2, amended

(2) Subsection 2 of the said section 651 is amended by striking out "6" in the second line and inserting in lieu thereof "12", so that the subsection shall read as follows:

Reduced penalty rate and allowance of discount for prepayment

(2) The council of a county may by by-law provide for a rate of interest of less than 12 per cent per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable.

R.S.O. 1960, c. 249, Form 21, repealed

13. Form 21 of *The Municipal Act* is repealed.

Commencement

14.—(1) This Act, except section 6, subsection 7 of section 7, and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 6 and 11 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Section 12 comes into force on the 1st day of January, 1971.

Idem

(4) Subsection 7 of section 7 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Municipal Amendment Act, 1970 (No. 4)*.

SECTION 12. The maximum rate of interest chargeable by a county on overdue moneys under this section is increased from 6 per cent per annum to 12 per cent per annum.

SECTION 13. Complementary to section 2 of the Bill.

An Act to amend
The Municipal Act

1st Reading

November 5th, 1970

2nd Reading

November 9th, 1970

3rd Reading

MR. MCKEOUGH

(Reprinted as amended by the Committee of the Whole House)

BILL 231

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. MCKEOUGH

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 231 **1970**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

CHIEF ADMINISTRATIVE OFFICER

Chief administrative officer

214*a*. The council may by by-law appoint a chief administrative officer, who,

(*a*) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law.

2. Subsection 3 of section 236 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 236, subs. 3, repealed

3. Subsection 2 of section 239 of *The Municipal Act*, as enacted by section 9 of *The Municipal Amendment Act, 1962-63* and amended by section 10 of *The Municipal Amendment Act, 1968-69*, is further amended by inserting after "No" in the first line "chief administrative officer", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 239 (1962-63 c. 87, s. 9), subs. 2, amended

Dismissal of officers

(2) No chief administrative officer, clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

R.S.O. 1960, c. 249, s. 240, amended

4. Section 240 of *The Municipal Act*, as amended by section 34 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Allowance to surviving spouse

(1*a*) Where a council grants an annual retirement allowance to an employee under subsection 1, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

R.S.O. 1960, c. 249, s. 302 (1960-61, c. 59, s. 12), re-enacted

5. Section 302 of *The Municipal Act*, as re-enacted by section 12 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Investment of moneys not immediately required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, provided that the bonds, debentures or other evidences of indebtedness, term deposits or guaranteed investment certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1960, c. 222

R.S.O. 1960, c. 249, s. 377, amended

6. Section 377 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Aid in respect of common disaster

42*b*. For granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster.

. . . . .

Power to acquire real property for purpose of leasing to doctor or dentist

69*a*. Without limiting the generality of section 333, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased for residential, clinical or office purposes or a combination thereof.

7.—(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act*, as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "fireworks" in the first line and in the second line "or any class or classes thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 30, amended

30. For regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe. Sale of fireworks

(2) Paragraph 31 of subsection 1 of the said section 379 is amended by inserting after "fireworks" in the first line "or any class or classes thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 31, amended

31. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit. Setting off fireworks

(3) Clauses *a* and *b* of paragraph 50 of subsection 1 of the said section 379 are repealed. R.S.O. 1960, c. 249, s. 379, subs. 1, par. 50, cls. *a*, *b*, repealed

(4) Paragraph 68*a* of subsection 1 of the said section 379, as enacted by subsection 3 of section 21 of *The Municipal Amendment Act, 1968*, is amended by inserting after "property" in the second line "or on property of the municipality or any local board thereof", so that the paragraph shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 68*a* (1968, c. 76, s. 21, subs. 3), amended

68*a*. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property. Prohibiting littering of private or municipal property

(5) Paragraph 98 of subsection 1 of the said section 379 is amended by inserting after "power" in the second line "or supplying cooling energy" and by inserting after "steam" in the second line "or cooling energy", so that the paragraph, exclusive of the clause, shall read as follows: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 98, amended

98. For authorizing any person supplying steam for heat or power or supplying cooling energy to lay down pipes or conduits for transmitting steam or cooling Transmitting steam or cooling energy under highways

energy under the highways or public squares, on such terms and conditions as the council may deem expedient.

. . . . . .

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 122, re-enacted

(6) Paragraph 122 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Signs

122. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that on the day the by-law comes into force does not comply with the by-law, shall be,

(*a*) made to comply with the by-law; or

(*b*) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of three years from the day the by-law comes into force.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 129, repealed

(7) Paragraph 129 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 399, subs. 1, par. 3, re-enacted

8. Paragraph 3 of subsection 1 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Prohibiting sale of refreshments on public streets, etc.

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

R.S.O. 1960, c. 249, s. 522, subs. 1, amended

9.—(1) Subsection 1 of section 522 of *The Municipal Act* is amended by inserting after "three" in the sixth line "or five", so that the subsection shall read as follows:

(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council. Nature and status

(2) Subsection 3 of the said section 522 is amended by striking out "Two" and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 522, subs. 3, amended

(3) A majority of the members of the board form a quorum. Quorum

10. Section 570 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 570, (1968-69, c. 74, s. 31), amended

(1*a*) A statement given under subsection 1 is binding upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer. Idem

11. Section 629 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding at the end thereof "provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 629 (1968-69, c. 74, s. 31), amended

629. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act, 1968-69*, the council shall charge back a proportionate share thereof to every such body, provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*. Where deficiency occurs; 1968-69, c. 6

R.S.O. 1960, c. 249, s. 651 (1968-69, c. 74, s. 31), subs. 1, amended

12.—(1) Subsection 1 of section 651 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by striking out "6" in the ninth line and inserting in lieu thereof "12", so that the subsection shall read as follows:

Local treasurer to pay over county moneys to county treasurer

(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 648, and, in case of non-payment of such moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made.

R.S.O. 1960, c. 249, s. 651 (1968-69, c. 74, s. 31), subs. 2, amended

(2) Subsection 2 of the said section 651 is amended by striking out "6" in the second line and inserting in lieu thereof "12", so that the subsection shall read as follows:

Reduced penalty rate and allowance of discount for prepayment

(2) The council of a county may by by-law provide for a rate of interest of less than 12 per cent per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable.

R.S.O. 1960, c. 249, Form 21, repealed

13. Form 21 of *The Municipal Act* is repealed.

Commencement

14.—(1) This Act, except section 6, subsection 7 of section 7, and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 6 and 11 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Section 12 comes into force on the 1st day of January, 1971.

Idem

(4) Subsection 7 of section 7 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Municipal Amendment Act, 1970 (No. 4)*.

An Act to amend
The Municipal Act

1st Reading

November 5th, 1970

2nd Reading

November 9th, 1970

3rd Reading

November 13th, 1970

MR. MCKEOUGH

BILL 232

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to establish the Department of Youth

MR. REID (Scarborough East)

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

The purpose of this Act is to initiate, foster and encourage orderly development of all forms of youth activities such as involvement in an in-school anti-drug abuse program and to co-ordinate Government programs designed to reduce the chronic and high youth unemployment rate in the Province of Ontario.

BILL 232 **1970**

An Act to establish the Department of Youth

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Department" means the Department of Youth;

(*b*) "Minister" means the Minister of Youth.

2. There shall be a department of the public service to be known as the Department of Youth. Department established

3. The Minister shall preside over and have charge of the Department. Minister to have charge

4. The Minister is responsible for the administration of this Act, and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. Minister's Acts

5.—(1) The Minister shall, Duties of Minister

(*a*) initiate, foster and encourage orderly development of all forms of youth activities, including community action activities especially among the many disadvantaged people of Ontario;

(*b*) stimulate interest and participation in youth training for leadership in all spheres of social, recreational and cultural affairs including control of drug abuse;

(*c*) encourage and promote activities to enable the maximum number of young people to participate in the employed labour force providing special assistance where warranted;

(*d*) promote interest and participation in physical fitness programs by groups, organizations and individuals;

(*e*) work in co-operation with other departments concerned with youth activities, co-ordinating programs desirable to carry out the intent and purpose of the Act;

(*f*) promote or attend any conferences or seminars in carrying out the duties under this Act; and

(*g*) perform such other functions as may be assigned by the Lieutenant Governor in Council.

Fees

(2) The Minister may establish and collect,

(*a*) registration or other fees to be charged to persons attending or participating in conferences, seminars, courses, programs or similar events or activities sponsored by the Department;

(*b*) sale prices for publications issued by the Department; and

(*c*) fees for any other service rendered by the Department.

Annual report

6. In each year, the Minister shall cause to be prepared a report of the work of his Department for the preceding year and, when prepared, shall lay a copy of it before the Legislative Assembly if it is then in session and if not, within fifteen days after the commencement of the next ensuing session.

Advisory committees

7.—(1) The Minister may establish advisory committees on youth,

(*a*) to consider and make recommendations to the Minister on such matters relating to young people as referred to it by the Minister, which would be desirable to enable the Minister and the Department to carry out the intent and purpose of this Act, and

(*b*) to undertake such other advisory functions and duties as may be given to them by the Minister or the Lieutenant Governor in Council.

Members

(2) The advisory committees on youth shall consist of such members, as may be appointed thereto by the Minister.

Chairman

(3) The Minister may designate one of the members as chairman.

8.—(1) The Minister may establish councils of young people to advise and inform him and the Government, from the point of view of youth, Councils of young people

(*a*) on the attitudes of the young people of Ontario with respect to matters of general public interest or concern such as government and political parties;

(*b*) on matters of particular interest or concern to the young people of Ontario such as the chronic, high level of youth unemployment in Ontario.

(2) The councils of young people shall consist of such young persons, not exceeding three, as may be appointed thereto by the Minister as being representative of the youth of the Province. Members

(3) The Minister may designate one of the members as chairman. Chairman

9. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act, 1961-62* as are considered necessary from time to time for the proper conduct of the business of the Department. Officers and staff 1961-62, c. 121

10. This Act comes into force on the 1st day of January, 1971. Commencement

11. This Act may be cited as *The Department of Youth Act, 1970*. Short title

An Act to establish
the Department of Youth

1st Reading

November 12th, 1970

2nd Reading

3rd Reading

MR. REID (Scarborough East)

BILL 233

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1971

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 233

1970

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1971

MOST GRACIOUS SOVEREIGN:

Preamble

WHEREAS it appears by messages from the Honourable William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1971, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$4,215,144,000 granted for fiscal year 1970-71

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $4,215,144,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1970, to the 31st day of March, 1971, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1971, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and

transferred from time to time as required by certificate of the Treasury Board to the department administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for Expenditures

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1970.*

SCHEDULE

Department of Agriculture and Food	$ 79,419,000
Department of Civil Service	2,820,000
Department of Correctional Services	48,219,000
Department of Education	1,079,224,000
Department of Energy and Resources Management	90,097,000
Department of Financial and Commercial Affairs	4,685,000
Department of Health	894,925,000
Department of Highways	500,827,000
Department of Justice	107,993,000
Department of Labour	23,962,000
Department of Lands and Forests	69,013,000
Office of the Lieutenant Governor	40,000
Department of Mines and Northern Affairs (formerly Department of Mines)	9,849,000
Department of Municipal Affairs	250,998,000
Department of the Prime Minister	364,000
Office of the Provincial Auditor	944,000
Department of the Provincial Secretary and Citizenship	9,003,000
Department of Public Works	98,808,000
Department of Revenue	11,224,000
Department of Social and Family Services	297,281,000
Department of Tourism and Information	12,869,000
Department of Trade and Development	138,526,000
Department of Transport	15,200,000
Department of Treasury and Economics	42,537,000
Treasury Board	2,010,000
Department of University Affairs	424,307,000
	$4,215,144,000

The Supply Act, 1970

1st Reading

November 13th, 1970

2nd Reading

November 13th, 1970

3rd Reading

November 13th, 1970

MR. MACNAUGHTON
